

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3 CIVIL ACTION NO. 06-5485 (PGS)

4 PHYLLIS ATKINSON,
5 Plaintiff,

6 vs.

7 NORTH JERSEY DEVELOPMENTAL
8 CENTER and CAROLE WOLKE,
9 Defendants.

10 DEPOSITION OF PHYLLIS ATKINSON taken
11 by and before TABITHA R. DENTE, a Certified
12 Shorthand Reporter and Notary Public of the
13 State of New Jersey, held at the Martin Luther
14 King Federal Building, 50 Walnut Street, Newark,
15 New Jersey, on Wednesday, October 28, 2009,
16 commencing at ten-thirty in the morning.

17 DEGNAN & BATEMAN
18 151 Fries Mill Road, Suite 506 B
19 Turnersville, NJ 08012
20 (856) 232-7400

21 A P P E A R A N C E S :

22 PHYLLIS ATKINSON, Pro Se
23 317 East 30th Street
24 Paterson, New Jersey 07504
25 STATE OF NEW JERSEY

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1 Exhibit 39 Advisory, Consultative or
 2 Deliberative Communication
 3 dated 4/11/07, re: Appeal
 4 of P. Atkinson 211
 5 Exhibit 40 Dismissal & Notice of
 6 Rights dated 8/18/06 213
 7 (Whereupon, Exhibit A is marked for
 8 identification.)
 9 P H Y L L I S A T K I N S O N,
 10 residing at 317 East 30th Street, Paterson,
 11 New Jersey, 07504, after having been duly sworn,
 12 was examined and testified as follows:
 13 EXAMINATION
 14 BY MR. YI:
 15 Q. Good morning, Miss Atkinson. My
 16 name is David Yi, Deputy Attorney General, and
 17 I'm representing North Jersey Developmental
 18 Center in this lawsuit that you filed.
 19 Have you ever been deposed before?
 20 Have you ever been at a deposition before?
 21 A. No.
 22 Q. Okay. And the court reporter just
 23 swore you in and you promised that you would
 24 tell the truth. Will you tell the truth here
 25 today?

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1 A. Yes.
 2 Q. Okay. The court reporter is here
 3 and she will take down everything that you say
 4 and everything that I say in this room here
 5 today. Thus, anything that you say has to be
 6 verbal, meaning sometimes you might want to just
 7 nod or, you know, use your hands to answer a
 8 question. The court reporter can't actually
 9 write that down because that's not verbal, so
 10 everything that you say, you know, say yes, no,
 11 kind of make every answer that you say today
 12 verbal so that it will be taken down and put
 13 into the transcript for all of us to see.
 14 A. Oh.
 15 Q. Okay?
 16 A. Yes.
 17 Q. If you don't understand a question
 18 that I ask, let me know about that and I'll try
 19 to rephrase it so that you could understand it
 20 and if I ask you a question and you answer it,
 21 I'm going to assume that you understood the
 22 question that I asked you.
 23 If you don't hear a question that
 24 I ask, please let me know, again, and...often
 25 times with these depositions, sometimes we're in

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1 a back-and-forth, kind of a I ask you a question
 2 and you answer. Sometimes we might be speaking
 3 over each other or we might be speaking at the
 4 same time. That's going to make life difficult
 5 for the court reporter so I ask that you let me
 6 ask you the question first and then I'll give
 7 you time to answer so that let's make it a
 8 one-person-at-a-time kind of dialogue so it will
 9 be properly transcribed by the court reporter.
 10 And sometimes you might be
 11 anticipating an answer to a question that I'm
 12 asking. Once again, I'd just ask you to let me
 13 finish the question, then you can have your
 14 answer.
 15 And if you're going to estimate
 16 something, for example, the size of a table or
 17 something, just let me know that you're
 18 estimating that it is something so it makes it
 19 clear that you're guessing or you're estimating
 20 as to the answer.
 21 And if you need a break, just let
 22 me know and we can take a break. I think it's
 23 about 10:45 right now, we'll probably break --
 24 what will be a good time? Twelve-thirty for a
 25 quick thirty-minute lunch and then we'll come

<p style="text-align: right;">Page 10</p> <p>1 back?</p> <p>2 Is that okay with you?</p> <p>3 A. Yes.</p> <p>4 Q. And I'm anticipating that this</p> <p>5 deposition will probably last until four o'clock</p> <p>6 and then we have a status conference with Judge</p> <p>7 Salas at that time.</p> <p>8 Any questions you have before we</p> <p>9 start?</p> <p>10 A. No.</p> <p>11 Q. Did you review any materials today</p> <p>12 to prepare for this deposition?</p> <p>13 A. Yes.</p> <p>14 Q. And what materials did you review?</p> <p>15 A. My charges.</p> <p>16 Q. Okay. So everything that you</p> <p>17 reviewed you sent to us, right, in discovery and</p> <p>18 so forth?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Is there anything that will</p> <p>21 prevent you today from understanding my</p> <p>22 questions?</p> <p>23 A. No.</p> <p>24 Q. Are you taking any kind of</p> <p>25 medicine, drugs, alcohol, that will prevent you</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And have you been known by any</p> <p>2 other names before?</p> <p>3 A. No.</p> <p>4 Q. Were you previously married?</p> <p>5 A. No.</p> <p>6 Q. Do you have any nicknames that</p> <p>7 people have referred to you by?</p> <p>8 A. No.</p> <p>9 Q. And what's your present address?</p> <p>10 A. 317 East 30th Street, Paterson,</p> <p>11 New Jersey.</p> <p>12 Q. And how long have you been at that</p> <p>13 address?</p> <p>14 A. Since 1995.</p> <p>15 Q. Do you live by yourself right now?</p> <p>16 A. No.</p> <p>17 Q. Who resides with you presently?</p> <p>18 A. My...oldest brother, my uncle, my</p> <p>19 two nieces and my two children.</p> <p>20 Q. Okay. Just to be clear, you</p> <p>21 haven't had any divorce, separation, annulment,</p> <p>22 any of those things?</p> <p>23 A. No.</p> <p>24 Q. Do you have any convictions of a</p> <p>25 felony nature?</p>
<p style="text-align: right;">Page 11</p> <p>1 from giving truthful answers?</p> <p>2 A. No.</p> <p>3 Q. Do you have any medical conditions</p> <p>4 that would affect your ability to remember</p> <p>5 anything today?</p> <p>6 A. No.</p> <p>7 Q. Are you taking any medications</p> <p>8 that would prevent you from remembering anything</p> <p>9 today?</p> <p>10 A. No.</p> <p>11 Q. Are you taking any medications</p> <p>12 today?</p> <p>13 A. No.</p> <p>14 Q. Have you drank any alcohol within</p> <p>15 the past twenty-four hours?</p> <p>16 A. No.</p> <p>17 Q. Forty-eight hours?</p> <p>18 A. No.</p> <p>19 Q. And have you taken any</p> <p>20 non-prescription drugs in the past twenty-four</p> <p>21 hours?</p> <p>22 A. No.</p> <p>23 Q. Okay, please state your full name</p> <p>24 just for the record.</p> <p>25 A. Phyllis Atkinson.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. No.</p> <p>2 Q. Any convictions of a misdemeanor</p> <p>3 nature?</p> <p>4 A. No.</p> <p>5 Q. Have you been arrested for</p> <p>6 anything?</p> <p>7 A. No, I mean...what's misdemeanor?</p> <p>8 Small...</p> <p>9 Q. Smaller than a felony. Anything</p> <p>10 like -- well, have you been arrested for</p> <p>11 anything; let's just start with that.</p> <p>12 A. Yes.</p> <p>13 Q. Okay, when was that?</p> <p>14 A. Um...around about approximately...</p> <p>15 probably maybe mid...mid or -- mid-eighties.</p> <p>16 Q. Okay, that's fine. I'm not</p> <p>17 looking -- it's no secret, I'm not trying to get</p> <p>18 anything on you.</p> <p>19 Okay, anything else in terms of</p> <p>20 convictions, arrests?</p> <p>21 A. No.</p> <p>22 Q. Okay. Are you currently employed?</p> <p>23 A. No.</p> <p>24 Q. Did you retire September 2007 from</p> <p>25 service with the State of New Jersey?</p>

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1 A. Yes.
 2 Q. And you're receiving your pension?
 3 A. Yes.
 4 Q. Did you elect for early
 5 retirement?
 6 A. Yes.
 7 Q. How many years had you put into
 8 the system by that time?
 9 A. Twenty-seven.
 10 Q. Okay. Did you attend college?
 11 A. Yes.
 12 Q. What college did you attend?
 13 A. Passaic County Community College.
 14 Q. Did you receive any kind of
 15 vocational training?
 16 A. Yes.
 17 Q. Okay, what did you receive?
 18 A. Medical secretary.
 19 Q. Do you have any kind of
 20 specialized certifications?
 21 A. Mm...I don't understand the
 22 question.
 23 Q. You know, paralegal certificate,
 24 something like that where you get a specialized
 25 certification for a specialized field of study.

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1 Do you have any one of those kind of things?
 2 A. Medical secretary.
 3 Q. Okay.
 4 A. Medical certificate.
 5 Q. Okay.
 6 A. If that's the --
 7 Q. Have you ever served in the
 8 military?
 9 A. No.
 10 Q. Okay. Have you ever filed for
 11 workers compensation?
 12 A. Is, is that when you get injured
 13 on the job?
 14 Q. Basically, yes.
 15 A. Yes.
 16 Q. Okay. Can you recall the
 17 instances when you filed for workers
 18 compensation?
 19 A. I don't really recall.
 20 Q. Do you -- is it true that you were
 21 filing for two instances, one for exposure to
 22 mold and another because you might have fallen?
 23 A. Yes.
 24 Q. Okay, and those instances, do you
 25 recall when they were?

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1 A. Well, the one for mold maybe was
 2 2000 and...six it might be approximately, I'm
 3 not for sure.
 4 Q. Okay. Do you recall what was the
 5 result of you filing for the workers
 6 compensation? Did you receive it?
 7 A. A day off of work?
 8 Q. Okay, so something minor.
 9 A. Um-hum.
 10 Q. Since your retirement in 2007 did
 11 you receive any kind of income? Besides your
 12 pension.
 13 A. No.
 14 Q. Okay, so from that time since you
 15 retired, the only income you received is your
 16 pension income.
 17 A. Yes.
 18 Q. Is that correct, okay. Have you
 19 ever filed a lawsuit against anybody before?
 20 A. Mm...like, in a car accident or
 21 something like that?
 22 Q. Any kind of lawsuit where you --
 23 A. Car accident.
 24 Q. And when was that?
 25 A. In the eighties is all I can say.

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1 Q. Okay, that's good enough. Any
 2 other lawsuits that you filed?
 3 A. No.
 4 Q. Okay. Have you ever been sued by
 5 anybody?
 6 A. No.
 7 Q. Have you ever filed -- besides the
 8 current lawsuit did you file any lawsuit against
 9 the State of New Jersey?
 10 A. No.
 11 Q. And besides complaints and
 12 grievances you might have filed pertaining to
 13 the matter that you put in your lawsuit, have
 14 you ever filed any grievances, complaints while
 15 you were employed with the State of New Jersey?
 16 A. Oh, boy. Talking about some
 17 years. Not that I recall.
 18 Q. Okay. And what union were you
 19 represented by when you were working for NJDC?
 20 A. I think it's CWA 1040. Local
 21 1040.
 22 Q. And who was the shop steward
 23 during the time of the Complaint?
 24 A. I can't recall his name.
 25 Q. Okay. But you were CWA 1040?

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1 A. Um-hum. Yes.
 2 Q. Did you file any grievances
 3 through CWA 1040?
 4 A. No.
 5 Q. Okay. Who was your first employer
 6 when you graduated from Passaic? Passaic County
 7 Community you said, right?
 8 A. You talking about my first job I
 9 ever had?
 10 Q. After you finished college.
 11 A. I didn't finish college; I went to
 12 college.
 13 Q. Okay, so after that time.
 14 A. I don't recall the time line.
 15 Q. Okay. Let's go back to the last
 16 job before you started working for NJDC. Do you
 17 recall what that position was?
 18 A. Mm. Maybe...let me see. It's in
 19 North Carolina, RJ Reynolds.
 20 Q. Okay. And that was right before
 21 you started working for NJDC?
 22 A. That's what I recall.
 23 Q. Okay.
 24 A. I'm not for sure.
 25 Q. And what were your job

Page 19

1 responsibilities there?
 2 A. Packing clerk maybe?
 3 Q. Okay. While you were working for
 4 that company, did you ever file any complaints,
 5 grievances against that company?
 6 A. No.
 7 Q. Tell me about when you first
 8 started working for NJDC, what was your first
 9 title.
 10 A. Human Services? HSS, yeah.
 11 Q. And how long did you work in that
 12 job position for?
 13 A. Mm, I don't recall.
 14 Q. Okay. What was the next title
 15 after that?
 16 A. Housekeeping.
 17 Q. Okay. And after housekeeping what
 18 title did you go to?
 19 A. Secretary. Senior clerk
 20 transcriber.
 21 Q. Senior clerk transcriber?
 22 A. Um-hum.
 23 Q. And any other position after that?
 24 A. Principal clerk transcriber.
 25 Q. Okay, anything after that?

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1 A. No.
 2 Q. Can you explain to me what the
 3 difference between the senior clerk transcriber
 4 and a principal clerk transcriber is?
 5 A. A senior -- a principal clerk
 6 transcriber have more responsibilities than the
 7 senior clerk.
 8 Q. Okay.
 9 A. And it's like a, maybe a...step
 10 up, I guess, promotional.
 11 Q. Okay. Can you just describe to
 12 me -- I'm not familiar with the senior clerk
 13 transcriber job -- what were some of the job
 14 duties that you had to do as a senior clerk
 15 transcriber?
 16 A. Answer the telephone, policy and
 17 procedures, um...medical trips, mail.
 18 Q. Okay. And as a principal clerk
 19 transcriber what were your primary duties?
 20 A. Um...consent forms, uh. Time
 21 sheets, medical transcribing, answering the
 22 phone, medical trips, also, transportation.
 23 Q. Okay.
 24 A. That's it. That's all I can
 25 recall right now.

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1 Q. Tell me if this is true.
 2 Inputting data into -- is it the HGC database;
 3 is that what you would also do as a principal
 4 transcriber? HCC, I believe. I might be saying
 5 it wrong.
 6 A. Repeat that question?
 7 Q. Okay, I might be saying the wrong
 8 acronym. Was inputting data sheets into the
 9 computer one of your important job duties?
 10 A. It was part of the job.
 11 Q. Okay. And when did you get
 12 promoted to the principal clerk position?
 13 A. I don't recall.
 14 Q. Was it after 2000?
 15 A. I think it was approximately, I'm
 16 not for sure, '95, 1995, 1990 -- between 1994
 17 and 1996, up in that, approximately somewhere
 18 around there.
 19 Q. Okay. Since you were promoted to
 20 the principal clerk typist position, do you
 21 remember your immediate supervisors? To the
 22 best of your ability can you remember who they
 23 were?
 24 A. Repeat that question?
 25 Q. Since you were promoted to the

<p style="text-align: right;">Page 22</p> <p>1 principal clerk position in '94, '95, can you 2 remember the immediate supervisors that you had 3 since then? 4 A. One of 'em was Daphne Hopkins. 5 Q. Okay, and what was her race 6 ethnicity? 7 A. Black. 8 Q. Any other supervisors? 9 A. Margaret Murphy. 10 Q. Can you also tell me her 11 ethnicity? 12 A. White. 13 Q. Okay, any others? 14 A. Yvonne Bivens. 15 Q. Her race ethnicity? 16 A. Black. 17 Q. Okay. 18 A. Miss Heese. 19 Q. Can you spell that? 20 A. H-e-e-s-e. 21 Q. Okay, race and ethnicity? 22 A. White. 23 Q. Okay. Anyone else? 24 A. Let's see. I can't recall any 25 more right now.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No. 2 Q. Mike Buongiorno? 3 A. No. 4 Q. Carole Wolke? 5 A. Yes. 6 Q. Okay. So, to the best of your 7 ability, these are your supervisors you've had 8 since you became a principal clerk typist. 9 A. That I recall. 10 Q. Okay, if that's the best we -- 11 A. Could be more. 12 Q. -- can do, that's the best we can 13 do. 14 Did you ever file for unemployment 15 benefits while you were taking any leaves of 16 absence or -- 17 A. No. 18 Q. -- ever since you retired? 19 A. Unemployment? 20 Q. Yes. 21 A. No. 22 Q. Okay. So have you ever collected 23 unemployment since you started working for NJDC? 24 A. No. 25 Q. Okay. Were you ever suspended or</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Okay, I'm going to throw some 2 names, tell me if they may or may not have been 3 your supervisors. 4 Mike Buongiorno? 5 A. Oh, yes. 6 Q. What's his ethnicity? 7 A. White. 8 Q. Was Carole Wolke your immediate 9 supervisor for a short time? 10 A. Yes. 11 Q. Okay, and what's her ethnicity? 12 A. White. 13 Q. Was Miss Roxanne Lotts ever your 14 immediate supervisor for a time? 15 A. I don't recall her being...I don't 16 recall her being immediate supervisor. 17 Q. Okay. With Daphne Hopkins, did 18 you ever file any grievances or complaints 19 against her? 20 A. No. 21 Q. Margaret Murphy? 22 A. No. 23 Q. Yvonne Bivens? 24 A. No. 25 Q. Miss Heese?</p>	<p style="text-align: right;">Page 25</p> <p>1 terminated from New Jersey Developmental Center? 2 A. No. 3 Q. Were you ever disciplined at NJDC? 4 A. Yes. 5 Q. Okay, when were you disciplined? 6 A. Ninety-four, '95. 7 Q. Okay, what was -- 8 A. Approximately around that time. 9 Q. What was the charge? 10 A. Mm. A verbal, a verbal abuse. 11 With another employee. 12 Q. At that time were you a principal 13 clerk transcriber at that time? 14 A. Yes. 15 Q. Okay, who did you get into a 16 verbal abuse situation with? 17 A. A coworker by the name of Jackie 18 MacMichael. 19 Q. McMichael? 20 A. MacMichael. 21 Q. And what was her ethnicity? 22 A. Black. 23 Q. And what was the dispute about? 24 A. She made a false accusation 25 against me.</p>

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1 Q. Okay, what did she say?
 2 A. A medical trip that was, was
 3 scheduled, she accused me of not making the
 4 arrangements.
 5 Q. Okay.
 6 A. Properly and...
 7 Q. What was Miss MacMichael's job
 8 title?
 9 A. Transportation Agent.
 10 Q. Was she in a supervisory position
 11 over you?
 12 A. No.
 13 Q. So was she, in your opinion, kind
 14 of a similar level position as you?
 15 A. Yes.
 16 Q. Okay. So was it a simple
 17 disagreement or did things get out of hand and
 18 voices were raised, tempers were raised?
 19 A. Oh, was raised temper.
 20 Q. Okay. And who made the initial
 21 accusation for discipline?
 22 A. Repeat that question.
 23 Q. Who made the charge or the
 24 accusation that led to your discipline?
 25 A. She did.

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1 Q. And what did she say was the
 2 basis?
 3 A. I don't recall.
 4 Q. Okay, so what was the eventual
 5 result of the discipline charge?
 6 A. Mm. Repeat that question?
 7 Q. What was the result of that? So
 8 -- okay.
 9 She makes an accusation against
 10 you, you said you were disciplined for that.
 11 What was the penalty for that?
 12 A. I don't recall.
 13 Q. Were you -- did you take time off
 14 of work, were you suspended?
 15 A. I don't recall.
 16 Q. Was there a written warning?
 17 A. A written warning, I remember
 18 that.
 19 Q. Okay.
 20 A. I recall that.
 21 Q. Did you appeal that?
 22 A. No.
 23 Q. Okay. Why didn't you appeal that?
 24 A. Because I think my -- I handled it
 25 the wrong way, I kinda lost it because of the

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1 accusation, so...
 2 Q. Okay. So you talk about that
 3 incident. Any other instances where you were
 4 disciplined by NJDC?
 5 A. Could be...could be, not that I
 6 recall.
 7 Q. Okay. All right, I'm going to
 8 show you what's been marked as Defendant's
 9 Exhibit A. This is your second Amended
 10 Complaint that you filed in court. If you want
 11 to take a moment to look at it, keep this by you
 12 because we're just going to refer to it
 13 throughout the course of this deposition. So
 14 (handing)...
 15 If you want to take a moment and
 16 just take a look at that document.
 17 A. I'm familiar with it.
 18 Q. Do you recall that document?
 19 A. Yes.
 20 Q. Okay. I want to ask you a little
 21 bit about your home life. Do you have children
 22 right now?
 23 A. Yes.
 24 Q. Okay, and if you recall, this
 25 Complaint is basically centering around the

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1 period of 2004 until 2005; is that correct?
 2 A. Yes.
 3 Q. Okay. At that time I want you to
 4 recall were -- did you have any children living
 5 with you at your house during 2004, 2005?
 6 A. Yes.
 7 Q. How many children did you have?
 8 A. Six.
 9 Q. Six children?
 10 A. Um-hum.
 11 Q. Were they all your children?
 12 A. Two grands, two nieces and my two
 13 children.
 14 Q. Did you ever adopt any children
 15 through foster care or --
 16 A. Yes.
 17 Q. Okay. Were they living with you
 18 at that time?
 19 A. Yes.
 20 Q. How many of them were living with
 21 you?
 22 A. Two that I adopted.
 23 Q. Okay, so your children are two
 24 adopted children?
 25 A. (Nodding in the affirmative).

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1 Q. How old were they at that time?
 2 A. One is seventeen now and one is
 3 fourteen, so you can do the calculation.
 4 Q. So around that time maybe twelve,
 5 thirteen years old was the oldest. Does that
 6 sound about right? Junior high school?
 7 A. Yes.
 8 Q. Okay.
 9 A. Approximately, I guess, I really
 10 don't know because I'm not calculating.
 11 Q. Okay.
 12 A. In my head.
 13 Q. Did taking care of your foster
 14 children affect your work attendance?
 15 A. A lot, yes.
 16 Q. And what do you mean by a lot?
 17 A. A lot of times I had to appear in
 18 court, behavior problems, special -- children
 19 that had special problems. I had to appear in
 20 court, I had to appear at school, uh...meet with
 21 social workers.
 22 Q. And they just kind of -- these
 23 situations just popped up?
 24 A. Yes.
 25 Q. Would that be fair to say?

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1 A. Yes.
 2 Q. Okay. And a lot of these
 3 situations you could not really plan for.
 4 A. No.
 5 Q. Okay.
 6 A. Because they were special.
 7 Q. Did they have any kind of special
 8 needs, these children?
 9 A. Yes.
 10 Q. What were their conditions?
 11 A. As -- um, emotional.
 12 Q. Okay. How old were they when you
 13 adopted them?
 14 A. Mm, four and eight.
 15 Q. And did you take great pride in
 16 being a foster parent?
 17 A. Yes.
 18 Q. But it affected your work
 19 attendance, though?
 20 A. Yes.
 21 Q. Okay. What time was your shift
 22 normally starting at NJDC?
 23 A. Nine. Nine-fifteen.
 24 Q. Nine-fifteen?
 25 A. To five-fifteen.

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1 Q. And let's just talk about a
 2 hypothetical.
 3 For instance, if something popped
 4 up and you had to, say, appear in court for one
 5 of your kids, how would you go about notifying
 6 NJDC about that?
 7 A. If, if it was planned I would
 8 notify them in a timely manner. If it wasn't, I
 9 will call, call out or either call in.
 10 Q. Okay.
 11 A. To let them know that something
 12 has, you know, arised sic.
 13 Q. And when you had to call in who
 14 would you normally call?
 15 A. The operator.
 16 Q. Would you call your immediate
 17 supervisor to let them know?
 18 A. Some time.
 19 Q. Do you know what the policy was in
 20 terms of letting your immediate supervisor know
 21 if you're not coming in?
 22 A. No, I know you call the operator a
 23 hour before, if you're gonna be out you call the
 24 operator a hour before; if you gonna be late you
 25 call the operator. We don't have to call the

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1 immediate supervisors.
 2 Q. Okay. Did your children's special
 3 needs, did that make you show up to work late on
 4 a lot of occasions?
 5 A. Well, those weren't the only two
 6 children, I had lots of children. Those are my
 7 stabilized children, but I had lots of children
 8 in and out of my home.
 9 Q. Okay. So let's talk about that
 10 time period, 2004 and '05. There were the two
 11 kids that you adopted. Who else was with you at
 12 that time? You said two grandchildren and two
 13 nieces?
 14 A. Um-hum.
 15 Q. Okay, so there were six children
 16 at that point in your house?
 17 A. Um-hum.
 18 Q. Did you also have to take care of
 19 your nieces and your grandchildren?
 20 A. Yes.
 21 Q. Did they have any issues as well?
 22 A. Uh, when children are not with
 23 their parents they have emotional issues.
 24 Q. Did they also require court
 25 appearances, school meetings?

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1 A. School meetings.
 2 Q. Okay. Were they planned?
 3 A. Sometimes.
 4 Q. Okay. Were you the sole provider
 5 for these six children?
 6 A. Yes.
 7 Q. Okay. So their well-being was
 8 your responsibility?
 9 A. Yes.
 10 Q. And we talked about, you know,
 11 that affecting your showing up to work. Did
 12 that also affect you in the sense that you had
 13 to sometimes leave early to go and handle some
 14 business for these six children?
 15 A. Yes.
 16 Q. Okay, and how frequently would you
 17 say that occurred?
 18 A. I don't recall.
 19 Q. Well, did it happen a lot?
 20 A. No.
 21 Q. So mostly it would happen in the
 22 beginning of your shift rather than after.
 23 A. Some time, I really don't recall.
 24 Q. Did your supervisors have any
 25 problems with your attendance because of, you

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1 know, having to take care of six kids?
 2 A. I really don't know, I -- you
 3 know, I tried to present them with paperwork and
 4 stuff to show them. I guess they did, you know,
 5 would question me on it.
 6 Q. We talked about your disciplines
 7 and you said besides the 1994 incident you
 8 didn't receive any disciplines, so did they ever
 9 discipline you for, you know, for example, being
 10 tardy to work because you had to show up for
 11 your kids' court session? Did they ever do
 12 anything like that?
 13 A. No.
 14 Q. Would it be fair to say that they
 15 were somewhat understanding of your situation?
 16 That you had six kids that you had to take care
 17 of?
 18 A. Who?
 19 Q. Just your immediate supervisors.
 20 A. Which one?
 21 Q. From '94 to the time you retired.
 22 We're talking about Daphne Hopkins, all those
 23 people that you told me.
 24 A. I would say it would be fair.
 25 Q. You told me some of your job

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1 duties as a principal clerk transcriber. Did
 2 you find some of those duties to be
 3 overwhelming?
 4 A. It's hard to answer questions when
 5 you don't...can't go into what you mean when you
 6 say overwhelming.
 7 Q. That's fine. Actually, let me
 8 backtrack a little bit.
 9 Was taking care of your six
 10 children, was that a stressful experience for
 11 you?
 12 A. Not to me, it didn't bother me. I
 13 enjoyed it.
 14 Q. Okay.
 15 A. I enjoy taking care of children.
 16 Q. Did you get any kind of emotional
 17 stress from having to show up for court
 18 appearances or going to counselling or school
 19 sessions?
 20 A. I got emotionally stressed because
 21 my job some time didn't understand. That that
 22 was more important to me than...
 23 Q. Than?
 24 A. Than being at work to answer the
 25 phone.

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1 Q. I see.
 2 A. For that time.
 3 Q. Because you took great pride in
 4 taking care of these six children.
 5 A. Yeah.
 6 Q. Okay, I understand. All right, I
 7 think your, your question is fair so I'm going
 8 to rephrase that question about overwhelming.
 9 Did you ever complain to anybody
 10 that you felt like you couldn't finish all your
 11 work within a 35-hour work week while you were
 12 principal clerk transcriber?
 13 A. Yes.
 14 Q. And why did you feel that way?
 15 A. Not, not that I couldn't finish.
 16 I didn't complain that I couldn't finish, it was
 17 -- if they added something extra on to it or if
 18 my workload that day was heavier than another
 19 day...you know, if it was heavier. Some days it
 20 would be heavier as far as medical trips than it
 21 would be another day.
 22 Q. Um-hum.
 23 A. So if it was -- if the
 24 overwhelming of making a lot of medical trips
 25 that day could have caused me not to finish

<p style="text-align: right;">Page 38</p> <p>1 something else.</p> <p>2 Q. Do you recall speaking with --</p> <p>3 actually, before we start, what is -- Miss</p> <p>4 Roxanne Lotts, what's her title?</p> <p>5 A. Director of Nursing. She was</p> <p>6 Director of Nursing Services.</p> <p>7 Q. Okay, so how many levels above you</p> <p>8 would you say she was?</p> <p>9 A. Supervisor, assistant</p> <p>10 director...it's me, then the supervisor, then</p> <p>11 assistant director of nursing, then the director</p> <p>12 of nursing, so three.</p> <p>13 Q. Okay, so -- all right. Did you</p> <p>14 speak with her on occasions about your job</p> <p>15 duties?</p> <p>16 A. Yes. When my PAR was reduced I</p> <p>17 spoke with her. Before then, no.</p> <p>18 Q. Okay. I'm going to show you what</p> <p>19 we're going to mark as Exhibit 1.</p> <p>20 (Whereupon, Exhibit 1 is marked for</p> <p>21 identification.)</p> <p>22 Q. Take a moment to look at this</p> <p>23 (handing).</p> <p>24 A. I'm familiar with that.</p> <p>25 Q. Okay, are you good?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. After my PAR score was reduced,</p> <p>2 that was -- this was the reaction of after my</p> <p>3 PAR score being reduced because I felt like I'm</p> <p>4 doing all this work, I never complained about it</p> <p>5 until my PAR score was reduced.</p> <p>6 Q. Okay. So you felt that --</p> <p>7 A. I never had a problem with my</p> <p>8 work, I never complained about it until that</p> <p>9 day. That was the first complaint.</p> <p>10 Q. So you felt wronged because you're</p> <p>11 saying, hey, I'm doing all this work, but, yet,</p> <p>12 my PAR score's been reduced.</p> <p>13 A. Right.</p> <p>14 Q. So you were trying to tell Miss</p> <p>15 Lotts that you had a lot of stuff to do because</p> <p>16 in this letter you talk about basically all the</p> <p>17 items that you need to take care of and you</p> <p>18 felt...you were wronged because they weren't</p> <p>19 acknowledging that.</p> <p>20 A. Right.</p> <p>21 Q. Would that be a fair assessment?</p> <p>22 A. That's -- this letter was a</p> <p>23 response to my PAR score being reduced by Carole</p> <p>24 Wolke.</p> <p>25 Q. And you felt that your previous</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yeah.</p> <p>2 Q. All right. I want you to look</p> <p>3 at -- towards the bottom of the page. You say</p> <p>4 in this letter -- is this a letter that you</p> <p>5 wrote to Miss Roxanne Lotts?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. You say "there are about</p> <p>8 250 clients that I'm responsible for scheduling</p> <p>9 medical appointments which inclines preparing</p> <p>10 paperwork, arranging transportation and doing a</p> <p>11 weekly calendar and recording information on</p> <p>12 desk calendar and nurses station. In order for</p> <p>13 me to ensure I have efficient and quality work,</p> <p>14 I must spend time to read through all</p> <p>15 appointments, consults and recording."</p> <p>16 And if you look at the next page,</p> <p>17 you say "I feel compelled to give you this</p> <p>18 information because I don't believe you realize</p> <p>19 the extent of my paperwork. Please see attached</p> <p>20 daily job duties." And at the very bottom right</p> <p>21 before you write "sincerely yours," it says "I</p> <p>22 am overwhelmed with paperwork, but, yet, I never</p> <p>23 complain about it."</p> <p>24 So did you ever talk to Miss Lotts</p> <p>25 about kind of being overwhelmed with paperwork?</p>	<p style="text-align: right;">Page 41</p> <p>1 supervisor, and you say in your letter Miss</p> <p>2 Bivens, "gave me a fair rating according to my</p> <p>3 work performance when she did my PAR," so you</p> <p>4 felt that she was appreciating what you did.</p> <p>5 A. I always felt that it was a lot of</p> <p>6 work, but I didn't have a problem with it</p> <p>7 because I was being, uh...what's the word I'm</p> <p>8 looking for. I didn't have a problem with my</p> <p>9 work being a lot of work, it always was a lot of</p> <p>10 work, overwhelmed, a lot of work, but I didn't</p> <p>11 have a problem with it as long as I was being</p> <p>12 treated fairly as far as work performance.</p> <p>13 Q. Um-hum.</p> <p>14 A. But when Carole disregarded it, it</p> <p>15 was -- the letter was wrote to show her that I</p> <p>16 was being treated unfairly by Carole.</p> <p>17 Q. Okay. And just for the record,</p> <p>18 'Carole' is Carole Wolke?</p> <p>19 A. Wolke.</p> <p>20 Q. W-o-l-k-e.</p> <p>21 A. Yes.</p> <p>22 Q. And she was is the Assistant</p> <p>23 Director of Nursing?</p> <p>24 A. Yes.</p> <p>25 Q. What do you call that ADON or...</p>

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1 A. Assistant Director of...
 2 Q. You have to say the whole word,
 3 you don't say ADON?
 4 A. No, we just say assistant
 5 director.
 6 Q. Assistant director?
 7 A. ADON.
 8 Q. So after you got your PAR score
 9 reduced, you felt inclined to tell Miss Lotts,
 10 hey, I'm doing a lot of work, but I feel
 11 disrespected because my PAR has been reduced.
 12 A. (Nods in the affirmative).
 13 Q. Okay. I'm going to show you what
 14 we're going to mark as Exhibit 2.
 15 (Whereupon, Exhibit 2 is marked for
 16 identification.)
 17 Q. I want you to take a look at it
 18 (handing).
 19 And, just for clarification, if
 20 you look at the bottom you see that Atkinson EEO
 21 72. We put stickers on it so that we can
 22 identify the documents, so when I say if you can
 23 turn to 74, just look at the bottom.
 24 A. Okay.
 25 Q. So it makes it easier for us to

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1 navigate through, so take your time and go over
 2 the document.
 3 A. I'm familiar with it.
 4 Q. Okay. Just let me know when
 5 you're ready.
 6 A. Okay, I'm ready.
 7 Q. If you turn to page 81, the last
 8 page, is that your signature?
 9 A. Yes.
 10 Q. Okay, and you submitted this to
 11 whom?
 12 A. Um...I don't recall whether it was
 13 employee relations or whether it was Miss Lotts.
 14 Q. Okay.
 15 A. Could have been either one of
 16 those two, or could have been both.
 17 Q. Okay. So in this letter that you
 18 either submitted to the EEO office or Miss
 19 Lotts, you indicate, and I'm reading here, when
 20 I verbally inquired to Miss Wolke about my PAR
 21 rating being dropped, her answer to me was that
 22 you had a few problems.
 23 What kind of problems did she say
 24 you had?
 25 A. She never said it; that's why I

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1 called for a meeting. She shrugged her
 2 shoulder.
 3 Q. Okay, but in this letter you said
 4 that she had a few problems. She said to you
 5 that you had a few problems.
 6 A. And I ask her what were the
 7 problems.
 8 Q. And she didn't --
 9 A. She didn't...respond. She just
 10 shrugged her shoulder and made a facial
 11 expression.
 12 Q. Okay. And if you go to page 73,
 13 the next page...
 14 A. (Witness complies).
 15 Q. You also then talk about your --
 16 the letter we just saw, the September 28th
 17 letter.
 18 A. Um-hum.
 19 Q. And you said -- and you basically
 20 said that you met with Miss Lotts and Miss
 21 Wolke. "At the meeting I explained to Miss
 22 Lotts the amount of work that I am expected to
 23 produce in a day and I also gave her an outline
 24 of my job duties."
 25 Why did you feel you had to do

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1 that?
 2 A. At this, at this meeting?
 3 Q. Right. You said this in your
 4 letter and you're describing the meeting that
 5 you had with Miss Wolke and Miss Lotts and you
 6 write here "I explained to Miss Lotts the amount
 7 of work that I am expected to produce in a day
 8 and I also gave her an outline of my job
 9 duties."
 10 Why did you feel compelled to tell
 11 Miss Lotts about that?
 12 A. Because, um, my PAR performance
 13 score was being dropped and I'm, like, why is my
 14 PAR performance score being dropped when I'm
 15 producing all of this work and never had a
 16 complaint about this work.
 17 Q. Um-hum.
 18 A. So I felt like she would, you
 19 know, maybe she doesn't realize all what I'm
 20 doing.
 21 Q. Okay. Right, because in this
 22 letter you continue. If you look at page 73 --
 23 so just stay on the page with me, we're going to
 24 kind of go over the documents, and you put in
 25 the middle "I was doing it all alone. Although

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1 I believe I was overworked, I never complained
2 about it until my PAR rating was dropped."
3 A. Um-hum.
4 Q. "How ironic is it that Mrs.
5 Corrado received a quarter of my workload and
6 her PAR rating is increased or left the same."
7 So why do you say that statement
8 in this letter?
9 A. Because a new title position came
10 and it was -- in reference to the consent forms
11 and that were -- the job that Miss Corrado was
12 doing was the job that I was doing that was a
13 part of all this work, also. I don't know if I
14 stated it in here...no, but, anyway, I didn't
15 even put that in here, but it was also a part of
16 my job and then they took a part of my job and
17 made it a whole job in itself.
18 Q. Okay. So you explained to her
19 that you believed you were overworked, but you
20 never complained about it.
21 A. Yeah.
22 Q. But -- you believed you were
23 overworked, but you --
24 A. Oh, yeah, I believed I was
25 overworked, I had a lot of work.

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1 Q. And you --
2 A. I still believe that.
3 Q. And you took exception when you
4 found out that Miss Corrado did only a portion
5 of your work, yet, her PAR was increased.
6 A. Exactly.
7 Q. Okay.
8 A. And it was unfair.
9 Q. Can you tell me what Mrs.
10 Corrado -- what's her first name, by the way?
11 A. Donna.
12 Q. Donna. Was she also principal
13 clerk typist?
14 A. No, she was a...I don't know
15 whether she was a LPN. She could have been LPN
16 or RN, but she was a nurse.
17 Q. She was a nurse, so she is in a
18 different job category than you?
19 A. Yes.
20 Q. And your job duties are completely
21 different.
22 A. Yes.
23 Q. And -- but she does some consent
24 form work?
25 A. She started doing...consent forms,

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1 which I used to do, which was part of my job.
2 Q. Do you -- okay, go ahead. Do you
3 know who evaluated her for the PAR?
4 A. Carole.
5 Q. And is it because she's Assistant
6 Director of Nursing?
7 A. I don't know. I know she did it.
8 Q. Let me rephrase it.
9 So as the Assistant Director of
10 Nursing, is Carole Wolke in charge of evaluating
11 the LPNs, the other nurses within her unit?
12 A. Yes.
13 Q. So Donna Corrado is an LPN?
14 A. Possible.
15 Q. Or --
16 A. I'm not for sure.
17 Q. Okay. But she's a nurse.
18 A. She's a nurse.
19 Q. So then she would be under Carole
20 Wolke's director supervision.
21 A. Yes.
22 Q. And she's not a principal clerk
23 typist?
24 A. No.
25 Q. So she would have a completely

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1 different set of job titles and duties than you.
2 A. Yes.
3 Q. Okay. Did you also speak with
4 Mrs. Lotts about possibly getting some overtime
5 just so that you could finish all the work that
6 was given to you in a 35-hour work week?
7 A. Yes.
8 Q. And why did you feel that you
9 deserved overtime to do that?
10 A. It wasn't a matter of me deserving
11 it, they wanted the job done and I was telling
12 them I had a lot of work to do. So it wasn't a
13 matter of whether I deserved it, it was in order
14 for me to get it done, I'm gonna need some
15 overtime to get it done.
16 Q. And why did you feel like you
17 needed overtime to get it done?
18 A. Because of all the workload I had,
19 because of my workload.
20 Q. Were there other principal clerk
21 typists working with you?
22 A. Yes.
23 Q. Did they have the same duties as
24 you did?
25 A. No.

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1 Q. What were their duties relative to
2 yours that were different?
3 A. I don't know, they -- I'm not for
4 sure. They weren't doing the medical trips,
5 they weren't doing what I was doing, that's all
6 I can know. Their -- my job was my job, their
7 job was their job. Basically we might -- we do
8 the time sheets, we might have that as being the
9 same, answering the phone, we might have that as
10 doing the same, but details, we had different
11 responsibilities.
12 Q. Okay, so there -- how many other
13 principal clerk typists would you say were
14 working with you in that unit?
15 A. One that I know of.
16 Q. And did you feel like you were
17 getting more work than that person was?
18 A. Maybe not more work, but could
19 have been more -- coming at a more faster pace.
20 Q. Okay.
21 A. More demanding immediately
22 because, you know, the medical trips, if someone
23 gets hurt you have to stop whatever you're doing
24 right then and take care of it right then and
25 that could take maybe two hours out of your day

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1 of doing whatever you supposed to do because now
2 you have to get paperwork, you have to get
3 transportation, you know.
4 Q. Okay.
5 A. So it -- I wouldn't say maybe more
6 work, but...just need -- maybe need to be
7 immediately or something like that.
8 Q. Do you know if that other
9 principal clerk typist asked for overtime to
10 complete their work?
11 A. No, I'm not -- I don't...know
12 that.
13 Q. Do you know of any other principal
14 clerk typist within NJDC who ever received
15 overtime to do work?
16 A. I don't know, but I'm sure.
17 Q. Okay, so you --
18 A. I'm almost certain.
19 Q. But it's a guess?
20 A. It's a guess but, I --
21 Q. That's fine.
22 A. You know, I don't know.
23 Q. So you do recall speaking with
24 Roxanne Lotts about asking for overtime?
25 A. Yes.

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1 Q. I'm going to show you what we're
2 going to mark as Exhibit 3.
3 (Whereupon, Exhibit 3 is marked for
4 identification.)
5 Q. I want you to take a look at this
6 (handing).
7 A. Um-hum.
8 Q. Okay. You've seen this before?
9 A. No.
10 Q. Okay, but --
11 A. I mean, I've seen it after you
12 sent it.
13 Q. Okay.
14 A. With the production.
15 Q. Can you explain to me your
16 relationship with Roxanne Lotts?
17 A. In reference to?
18 Q. Did you feel you could confide in
19 her?
20 A. I did at that time.
21 Q. And you felt you could go to her
22 to talk about problems you were having with
23 Wolke?
24 A. Yes, I did at that time.
25 Q. Okay. And what is her ethnicity

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1 race?
2 A. Black.
3 Q. Okay. And how did she -- let me
4 strike that question. Did you have occasions to
5 meet with her in person to talk about issues?
6 A. No. Only...the meeting that I
7 called, this one (indicating).
8 Q. Okay. Did you meet with Miss
9 Lotts and Carole Wolke on November 26, 2003?
10 A. I'm not for sure if that's the
11 PAR, I don't -- I'm kind of confused with the
12 dates.
13 Q. Would you -- okay. Would you have
14 reason to disbelieve what Miss Lotts wrote in
15 this memorandum?
16 A. Yes.
17 Q. Okay, why was it -- why would that
18 be?
19 A. Why would what be?
20 Q. That you think she is not being
21 credible or truthful in this?
22 A. Just not the truth.
23 Q. Okay, tell me what's not the
24 truth.
25 A. There's a meeting, I remember this

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1 meeting.
 2 Q. Okay, you need to tell me which
 3 one it is.
 4 A. December the 30th where there was,
 5 um, Penny Brask, Emma Jones, Donna Corrado and
 6 Carole Wolke, I remember we were all in that
 7 meeting, which is the page fifteen, the...
 8 Q. Okay.
 9 A. Second paragraph.
 10 Q. But you don't recall the November
 11 26th meeting, so that would be day after
 12 Thanksgiving 2003.
 13 Okay, let's not -- all right, I
 14 won't dwell on whether you remember that date.
 15 She lists that there were some
 16 problems that you were having in terms of
 17 completing your work, and tell me if you believe
 18 these are true. That you had incomplete client
 19 data sheets.
 20 A. All of these, uh, listings that
 21 she have came after my complaint of my -- this
 22 was -- this meeting was in September
 23 (indicating). There's no -- none of these, I
 24 never received any complaints about none of
 25 these until after I made a complaint.

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1 Q. Okay. But you're not saying that
 2 these are false, but you're saying --
 3 A. No.
 4 Q. -- this is the first time they
 5 came up to your attention?
 6 A. This is the first time it came up
 7 after my meeting in September (indicating).
 8 Q. Okay.
 9 A. And my complaint. Before then,
 10 none of this ever came up.
 11 Q. Okay, I want you to look at
 12 Exhibit 1 again. Can you tell me the date of
 13 the letter that you wrote to Miss Lotts? What
 14 is the date of that?
 15 A. September 28th, 2004.
 16 Q. Okay, and this meeting on the
 17 document that says Atkinson EEO 15, it says they
 18 met -- that you met on November 26th, 2003, so
 19 wouldn't it be fair to say that meeting was
 20 before you made that 2004 letter?
 21 A. None of this wasn't discussed
 22 (indicating).
 23 Q. Okay.
 24 A. Because none of this, this wasn't
 25 discussed.

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1 Q. So --
 2 A. In this meeting that we had.
 3 Q. So it's your contention that the
 4 2003 meeting never happened?
 5 A. No, I don't recall having this
 6 meeting about data sheets.
 7 Q. Okay.
 8 A. No.
 9 Q. That's fine. If you go down, the
 10 letter says -- I mean, this memo from Roxanne
 11 Lotts says "Phyllis insisted on not having
 12 enough time in her 35-hour work week to complete
 13 her assignments. She asked to come in on
 14 Sundays for to begin December 7th, 2003."
 15 Do you recall saying that to Miss
 16 Lotts?
 17 A. I recall everything after this
 18 (indicating). Before this (indicating), the
 19 only meeting that I recall is this meeting on
 20 December of 2003, but I do not recall this
 21 meeting right here where...before this meeting
 22 (indicating). This mighta came up after, but I
 23 do not recall it being before. I just don't
 24 recall it.
 25 Q. Okay. But you do recall telling

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1 Miss Lotts you might need -- you would like
 2 overtime just to get your stuff done.
 3 A. I do recall that.
 4 Q. Do you remember if that was after
 5 the September 2004 letter or before then?
 6 A. The reason why I say I remember it
 7 being after this letter (indicating) was because
 8 when we met with...when me and Carole met
 9 about -- me, Carole and...Roxanne had a meeting
 10 about my PAR rating score being dropped and I
 11 remember saying to Roxanne that I got a unfair
 12 rating by her and she doesn't have a reason why
 13 she dropped my score and I remember that it came
 14 up about the data sheets after.
 15 And I remember saying if it was a
 16 problem with that, then why wasn't I told about
 17 it.
 18 Q. Okay.
 19 A. So that's why I just can't
 20 remember this.
 21 Q. Okay.
 22 A. Coming after.
 23 Q. So maybe the dates we don't
 24 remember, but let's talk about these five
 25 specific things that she mentions.

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1 Incomplete data sheets, do you
 2 disagree or agree that you were having issues
 3 completing that?
 4 A. Disagree.
 5 Q. So you completed them all.
 6 A. Yeah. You say incomplete number
 7 one?
 8 Q. Yeah.
 9 A. Um-hum.
 10 Q. Number two, inconsistent
 11 information of client data sheets.
 12 A. Disagree.
 13 Q. Inconsistencies with the client
 14 data books.
 15 A. Disagree.
 16 Q. Stacks of files of client records
 17 in folders.
 18 A. Because if it was, it was because
 19 I didn't throw 'em away. They were documents,
 20 the -- they came out of the computer and they
 21 were in the folder and I just didn't throw 'em
 22 away so I don't know why they using it in a term
 23 as if it was a stack of work piled up.
 24 Q. Okay.
 25 A. You know.

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1 Q. And number five, expired clients
 2 still in the computer and in the data books.
 3 A. Disagree.
 4 Q. So in your contention, you believe
 5 you did all these, all these five things and
 6 that you were a model worker?
 7 A. Yes, yes.
 8 Q. Okay.
 9 A. I did my job to the best of my
 10 ability. Maybe not to theirs, but that's my
 11 opinion.
 12 Q. Okay. But you felt -- I'm trying
 13 to understand why you felt you needed to tell
 14 Lotts that you needed overtime to complete your
 15 work if you were getting all the work done like
 16 you just said.
 17 A. Here it says...stacks of files,
 18 clients' records, I mean, I don't really
 19 understand what they mean. Stacks, stacks?
 20 Yeah, there was some work that required some
 21 overtime, but it wasn't to the point that it was
 22 just, you know, maybe a hour overtime where I
 23 could just keep caught up, you know. It wasn't
 24 like it was just a whole lot of...
 25 Q. Okay. Because you just testified

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1 that you did these five things that were listed
 2 by Lotts that she said you weren't doing and you
 3 also said that you were able to do all your work
 4 and you also testified that --
 5 A. Well, I was doing 'em, but maybe I
 6 wasn't doing 'em --
 7 Q. Let me finish my question.
 8 A. Okay.
 9 Q. That you were a model worker, but
 10 then you said you needed more time to finish
 11 your work. Can you explain the discrepancy
 12 here?
 13 A. You said I was a model worker, I
 14 didn't say I was a model worker. You said I was
 15 a model worker. I said that I did my work to
 16 the best of my ability, may -- that was my
 17 opinion. Maybe it wasn't to their ability, but
 18 to my opinion I needed it because if the day
 19 ran -- if it was a heavy day and I didn't have
 20 time to put data work in the computer that day
 21 or maybe three days that week if it was heavy
 22 and I didn't have time to enter data into the
 23 computer, then there was three days that data
 24 didn't -- that that part of the work didn't get
 25 worked on, so if that happened the following

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1 week it will cause the work to fall behind, but
 2 as far as keeping up I did the best I could, but
 3 if they wanted it to, you know, to a tee and
 4 didn't want any left over or didn't want --
 5 empty folders, it was just impossible for me to
 6 do that.
 7 Q. Okay.
 8 A. On a everyday basis.
 9 Q. I think you clarified it. So to
 10 your subjective opinion, you thought you were
 11 doing a good job.
 12 A. Yes.
 13 Q. And -- but you disagreed with how
 14 they viewed how you were doing a good job.
 15 A. Yes.
 16 Q. And so that was just a
 17 disagreement between you and your supervisor
 18 about how well you were doing your job?
 19 A. Yes, I -- I mean, no one -- this
 20 never became a problem until I made a, you know,
 21 complaint about my PAR rating. I just, you
 22 know, think that if it was a problem at that
 23 time that why, why did it all come up after the
 24 fact.
 25 Q. Okay. Let's talk about Miss

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1 Yvonne Bivens. You said she was an
 2 African-American female?
 3 A. Yes.
 4 Q. Do you know why she resigned in
 5 December 2003?
 6 A. No.
 7 Q. How many PAR evaluations did she
 8 do for you?
 9 A. I don't recall.
 10 Q. Was it two or three?
 11 A. Maybe two; I'm not for sure.
 12 Q. Did you get along with her?
 13 A. Yes.
 14 Q. And you agreed with the way she
 15 evaluated your PARs?
 16 A. Yes.
 17 Q. And you agreed -- you know, in the
 18 PARs there's a section that says you need to
 19 improve on certain things; you agreed with
 20 whatever she put there?
 21 A. To be honest with you, I
 22 really...didn't read the PAR, just looked at the
 23 score and if the score was okay I left -- I
 24 didn't actually ever read in detail what anyone
 25 was writing until...

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1 Q. Um-hum.
 2 A. You know, I got it in the mail.
 3 Q. But then you signed off on it
 4 saying you agree.
 5 A. Because I agree.
 6 Q. The magic number was there.
 7 A. Right. That's all I looked at.
 8 As long as I was passing...
 9 Q. So the 2004, the interim PAR
 10 evaluation where she gave you a twenty-seven,
 11 Miss Bivens gave you twenty-seven, you agreed
 12 with that one.
 13 A. Yes.
 14 Q. And you agreed with everything
 15 else that she put in there.
 16 A. I don't really know really what
 17 was in there. Like I said, I --
 18 Q. We'll talk about it later.
 19 A. -- just looked at the number, I
 20 saw it was passing and that was well enough for
 21 me.
 22 Q. You said passing?
 23 A. Well, you know, it wasn't, it
 24 wasn't below satisfactory, it was above
 25 satisfactory and that was all I was concerned

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1 about, just getting above satisfactory.
 2 Q. Okay. Miss Wolke -- so now Miss
 3 Bivens retires in 2003. What happened after she
 4 retired? Or did she resign or retire; do you
 5 know?
 6 A. I think she resigned.
 7 Q. Okay, so then who became your
 8 supervisor after she resigned?
 9 A. Carole Wolke.
 10 Q. Okay. And did anybody tell you
 11 Wolke's going to come in and supervise you?
 12 A. I don't recall. Maybe.
 13 Q. How long have you known Miss
 14 Wolke?
 15 A. Hmm. For as long as I worked at
 16 the Health Care Center, I don't know...you ask
 17 these numbers, this is like --
 18 Q. I know we're going through some,
 19 you know, long dates and times. Like I said, if
 20 you -- you can guess, estimate.
 21 A. At least twenty years --
 22 Q. Okay.
 23 A. -- I can say, and I can be safe to
 24 say at least twenty years.
 25 Q. Do you recall what position she

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1 was when she came in to work for NJDC?
 2 A. Mm, no.
 3 Q. Do you know if she --
 4 A. A nurse maybe?
 5 Q. Okay. Does she have any family
 6 connections to NJDC? Like, was her father or
 7 mother a previous NJDC employee?
 8 A. Yes, her father was
 9 superintendent.
 10 Q. And what is...is that different
 11 than a CEO?
 12 A. No, it's the same position, just
 13 different names.
 14 Q. So at that time it was called
 15 super --
 16 A. It was called superintendent.
 17 Q. Okay. And do you think she got
 18 her position there because her dad was the CEO
 19 superintendent?
 20 A. It's possible, but I, I don't
 21 know.
 22 Q. Was that a concern for you?
 23 A. No.
 24 Q. Okay. Did you guys have any kind
 25 of a relationship over these twenty years

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1 between you and Miss Wolke?
 2 A. Um.
 3 Q. Let me clarify that. I understand
 4 there's probably two sagas in your relationship
 5 with her before these incidents as you list in
 6 the Complaint and after, so can you tell me
 7 before she became your supervisor in 2004 can
 8 you describe the relationship that you guys had?
 9 A. Like, were we friends?
 10 Q. Whatever you want to say about it.
 11 A. Coworkers.
 12 Q. Was she ever your direct
 13 supervisor before 2004?
 14 A. Mm, I don't recall.
 15 Q. How big is the Health Care Center?
 16 You can say big facility, small facility...
 17 A. It's a, it's the, it's a building.
 18 Q. Okay. So are you guys on the
 19 same -- were you guys always on the same floor
 20 or different floors?
 21 A. No. I was on the first floor, she
 22 was on the second floor.
 23 Q. Okay. How many times would you
 24 say you would see her on an average workday
 25 shift?

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1 A. Mm, numbers, everything is
 2 numbers. Pffff. Like from the beginning, from
 3 the morning 'til it's time to go home?
 4 Q. Yeah. An estimate is fine.
 5 A. An estimate maybe five or six,
 6 seven times?
 7 Q. Okay. And like you testified, she
 8 was the assistant director of nursing and she
 9 supervised the nurses?
 10 A. Yes.
 11 Q. So would it -- where were the
 12 nurses located? First, second floor?
 13 A. First.
 14 Q. Okay.
 15 A. The nurses station was on the
 16 first floor.
 17 Q. So was she going around to the
 18 nurses station and making sure that the nurses
 19 were doing their jobs?
 20 A. I don't know. I really don't know
 21 what she was doing.
 22 Q. Okay, but she wasn't supervising
 23 you before 2004.
 24 A. I don't think so.
 25 Q. Okay.

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1 A. I doubt it.
 2 Q. Did she ever help you with your
 3 foster kids?
 4 A. No.
 5 Q. She ever send any gifts during
 6 Christmas?
 7 A. No.
 8 Q. Did you ever socialize with her at
 9 the office, go out to lunch, go for coffee?
 10 A. No.
 11 Q. All right, I want you to turn to
 12 what was marked as 3, right there (indicating),
 13 on page -- on the bottom page 16.
 14 A. Um-hum.
 15 Q. Now, you said you do remember a
 16 meeting after you wrote the September 2004
 17 letter, correct?
 18 A. Um-hum.
 19 Q. So at this meeting, this is Mrs.
 20 Lotts recalling in this memo, she says "at this
 21 meeting Phyllis asked Carole why she didn't like
 22 her and Carole explained to her that that was
 23 not true. Phyllis started crying and so did
 24 Carole. Carole told Phyllis that it hurts her
 25 when she tells everybody she's a racist. Carole

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1 said sobbing, if I was a racist, would I be
 2 helping you with your work all the time, would I
 3 help you with your foster kids and would I buy
 4 you food all the time."
 5 Do you disagree with that?
 6 A. I disagree. I mean, one time, um,
 7 my, um, grandchildren house had caught on fire
 8 and she gave some funds to help with that. That
 9 was a one-time situation, um. Maybe she brought
 10 some food in and we all, you know, in the
 11 lunchroom and all the employees go in and get
 12 some, um...what else up here?
 13 Oh, and as far as helping with the
 14 medical trips, she would, um -- if a patient
 15 that she was close to had difficult times in
 16 accepting going out on a medical trip, I might
 17 mention it to her and tell her maybe you can
 18 comfort this -- you know, the patient, the
 19 client and that's what she's talking about.
 20 It's nothing detailed, it's -- you
 21 know, these are one-time situations here and
 22 it's nothing detailed like there was this chummy
 23 relationship going on 'cause, you know, her
 24 character is too far out there for me.
 25 Q. Okay.

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1 A. To be chummy with.
 2 Q. Now, why do you say her character
 3 is 'too far out there' for you?
 4 A. Her...what you call it, her,
 5 um...my personal opinion?
 6 Q. Yeah, your opinion.
 7 A. My opinion she's just not a nice
 8 lady, she likes -- she's just not a, she's just
 9 not a nice lady. She does too many mean things
 10 to people that I've known in the past.
 11 Q. Word on the street is Miss Wolke
 12 won some kind of a lottery. Do you know about
 13 that?
 14 A. Yes, I heard.
 15 Q. How much did she win; do you know?
 16 A. Over a million maybe? That's what
 17 I heard.
 18 Q. And do you know as the assistant
 19 director of nursing how much she was making?
 20 A. No, not really.
 21 Q. Did people around the office kind
 22 of whisper rumors about, oh, so-and-so is making
 23 this amount of money?
 24 A. No, I really don't engage in that
 25 kind of conversation. My life was so busy I

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1 neer really had time for all that kind of stuff,
 2 so I --
 3 Q. Okay.
 4 A. -- really didn't...
 5 Q. Did you ever have bitterness
 6 saying, Wolke, wow, she got a million bucks.
 7 A. No, never paid attention.
 8 Q. Okay.
 9 A. That never meant anything to me.
 10 Q. So you said she was not a nice
 11 person, she was mean. What kind of stuff would
 12 she say to you that made you come to this
 13 conclusion today that she's a mean person?
 14 A. The mean things that she did to
 15 people, other people that she...you know, did to
 16 me. She's a big liar, she lies to --
 17 manipulates to, uh, make...herself look like the
 18 righteous person and the other person look like
 19 the bad person. She has abuse of her authority,
 20 you know.
 21 Q. You said some of the mean things
 22 she did to other people. Do you know -- did you
 23 witness those firsthand?
 24 A. Yes.
 25 Q. Can you describe some of those

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1 incidents?
 2 A. Well, it was a lady that --
 3 another employee who used to work there and she
 4 got really sick, the lady. She used to --
 5 Carole used to be really close to her really
 6 good -- close to her? Well, I don't know if she
 7 was really close to her, but it appeared they
 8 were friends and she used to handle this nurse
 9 business for her because the nurse had issues,
 10 she had problems and Carole used to handle her
 11 business for her, like, kinda control her life
 12 for her. And then the nurse didn't...just cut
 13 her off and told her she didn't want her to do
 14 it and Carole got -- I guess she probably got
 15 angry about it.
 16 And then the nurse end up getting
 17 really, really sick, she ended up in a nursing
 18 home, and I ask her, you know, I said, aren't
 19 you gonna go see her and she said, no, I
 20 don't...I don't care if I -- I don't care if I
 21 ever see her again. It just wasn't nice what
 22 she said considering the...position that -- you
 23 know, you used to be her friend and now this
 24 lady is sick and...
 25 Q. Right.

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1 A. Need a friend and what she say
 2 just wasn't nice...
 3 Q. Okay.
 4 A. To her.
 5 Q. So that's something that she said
 6 to someone else. Can you tell me the things
 7 that she said to you that you felt were very
 8 mean?
 9 A. Uh, she used to...she used to make
 10 little remarks, little racial, racial remarks,
 11 but I really didn't pay 'em no attention 'cause
 12 I always just took it like it was a...it just
 13 didn't -- I just shove it off, like she, she
 14 just say little things that would belittle sic
 15 me like I was nobody.
 16 Like, even in the meeting we had
 17 here, she said I don't need to have a office, I
 18 don't need to have a desk, I don't need to have
 19 a computer, um...I could just work in the nurses
 20 station. Like I was nobody, um.
 21 Q. Let me just follow up on that. So
 22 you didn't have a desk?
 23 A. I had one, but she said I didn't
 24 need one.
 25 Q. But you had one.

<p style="text-align: right;">Page 74</p> <p>1 A. I had one. I had a computer, too.</p> <p>2 Q. And you said she said you didn't</p> <p>3 have to have a computer?</p> <p>4 A. She said I didn't need one.</p> <p>5 Q. But you had a computer.</p> <p>6 A. But I had one.</p> <p>7 Q. Okay. And you said that she said</p> <p>8 certain racial things. Did she overtly say</p> <p>9 anything racial like the 'N' word or any other</p> <p>10 comments like that?</p> <p>11 A. She never used the 'N' word.</p> <p>12 Q. So you're saying -- but she would</p> <p>13 say these comments that made you feel belittled?</p> <p>14 A. Derogatory...</p> <p>15 Q. Go ahead.</p> <p>16 A. Derogatory, like -- it always</p> <p>17 seemed like she was trying to make me feel like</p> <p>18 I wasn't good enough to, to standard of a white</p> <p>19 person. To, you know.</p> <p>20 Q. And what does that mean, 'the</p> <p>21 standard of a white person'?</p> <p>22 A. Like, I didn't deserve, like,</p> <p>23 um...for example...well, I'll just answer the</p> <p>24 question.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Was he the DHS investigator?</p> <p>2 A. Yes.</p> <p>3 Q. For your discrimination complaint.</p> <p>4 A. Yes.</p> <p>5 Q. And obviously you wouldn't have</p> <p>6 known about this interview that Lotts had with</p> <p>7 Mr. McCabe.</p> <p>8 A. No.</p> <p>9 Q. After reading this, do you believe</p> <p>10 what Miss Lotts has to say in this interview ?</p> <p>11 A. Not with...</p> <p>12 Q. Tell me what you disagree with and</p> <p>13 we can start from there.</p> <p>14 All right, I can ask you a</p> <p>15 question. Is it true that Miss Lotts selected</p> <p>16 Donna Corrado to be the HIPAA complaints</p> <p>17 officer?</p> <p>18 A. I don't know.</p> <p>19 Q. Was it your understanding that</p> <p>20 Miss Wolke selected her?</p> <p>21 A. No. Never was my understanding to</p> <p>22 that.</p> <p>23 Q. Okay. And do you have any reason</p> <p>24 to disagree with Miss Lotts when she says "a new</p> <p>25 job title came out for HIPAA officer which</p>
<p style="text-align: right;">Page 75</p> <p>1 A. What was the question again?</p> <p>2 Q. I was asking you what statements</p> <p>3 that she said made you feel that she was a mean</p> <p>4 person so you were talking about certain</p> <p>5 instances.</p> <p>6 A. Oh. Yeah.</p> <p>7 Q. Okay. I want you to look at what</p> <p>8 we are going to --</p> <p>9 (Whereupon, an off-the-record</p> <p>10 discussion takes place.)</p> <p>11 Q. All right, this is going to be</p> <p>12 called Exhibit 6.</p> <p>13 (Whereupon, Exhibit 6 is marked</p> <p>14 for identification.)</p> <p>15 Q. Take a look at this one, Mrs.</p> <p>16 Atkinson.</p> <p>17 A. All right.</p> <p>18 Q. Okay, and I sent this to you</p> <p>19 during the course of our document exchange,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And this is a statement by Miss</p> <p>23 Lotts to Mr. Ed McCabe. Do you remember who Mr.</p> <p>24 Ed McCabe is?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 77</p> <p>1 required new office space and furniture"? Do</p> <p>2 you disagree with that statement?</p> <p>3 A. No.</p> <p>4 Q. Okay. And did you ever apply for</p> <p>5 this position that Miss Corrado got?</p> <p>6 A. It was never, um, posted to be</p> <p>7 applied for.</p> <p>8 Q. Were you qualified for that</p> <p>9 position?</p> <p>10 A. Yes, I was qualified, of course, I</p> <p>11 was qualified, it was a job I was doing already.</p> <p>12 Q. Okay, but you never applied for</p> <p>13 it.</p> <p>14 A. I never seen a posting, if it --</p> <p>15 Q. Did you file a complaint with the</p> <p>16 Department of Personnel about not seeing this</p> <p>17 posting and having someone else get the job?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 A. It wasn't a issue for me.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. Her getting this job was not a</p> <p>23 issue for me.</p> <p>24 Q. But her getting furniture, did</p> <p>25 you -- was that an issue for you?</p>

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1 A. Not really.
 2 Q. Is it true that within six months
 3 you got new furniture as well?
 4 A. Possible.
 5 Q. Okay. I want you to look at the
 6 question that was asked by Mr. McCabe. He says
 7 "was Phyllis told why her PAR was reduced."
 8 Miss Lotts answers, "she was told about her
 9 failing to enter data."
 10 A. Yes, I disagree.
 11 Q. So you were never told that you
 12 were failing to enter data.
 13 A. After I wrote the letter and we
 14 were at the meeting, when I met with Carole,
 15 Carole never told me, but when we met with
 16 Roxanne, Carole told Roxanne that that was the
 17 reason and then Roxanne used that. It was no
 18 discussion about data until after...
 19 Q. Okay.
 20 A. After I -- after my PAR rating.
 21 There was never any discussion about data.
 22 Q. I'm trying to understand it now
 23 and I think you're clarifying it for me.
 24 So before the PAR rating that you
 25 got reduced, no one -- you're saying no one told

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1 you about your failing to enter data?
 2 A. No, they, they didn't say I was
 3 failing to enter data, they were saying the data
 4 need to be...the data needs to be input into the
 5 computer.
 6 Q. Okay.
 7 A. And that's when I was asking for
 8 overtime, to get that job done.
 9 Q. Okay.
 10 A. But no one never made a complaint
 11 like this was a real problem and a real big
 12 issue and, um, I got warned about it. None of
 13 that never happened.
 14 Q. But after you wrote this letter in
 15 September 2004, you're testifying that then they
 16 started saying, hey, your data's not done, this
 17 is not done?
 18 A. Yeah, then it became a real big
 19 issue.
 20 Q. Isn't it true that although your
 21 initial PAR was reduced from twenty-seven to
 22 twenty-four, after you complained they decided
 23 to raise it back to twenty-seven?
 24 A. Yeah, because they -- excuse me.
 25 They didn't have any grounds of, of -- they

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1 didn't do it the right protocol, they didn't go,
 2 uh, through the process of what they should
 3 have had done -- what they should have done so
 4 it was only fair they would put it back.
 5 Q. Um-hum?
 6 A. Because I didn't get any warning
 7 if -- I didn't get any warning that, that, um, I
 8 was gonna get a lower PAR scoring because of
 9 data information not being input.
 10 Q. And is a score of twenty-four
 11 above satisfactory?
 12 A. Yes.
 13 Q. Okay. And is it true that Miss
 14 Wolke got counselled about going to a class to
 15 learn how to fill out these PARs more properly?
 16 Do you know?
 17 A. I don't know. I just know from
 18 information that I read.
 19 Q. Okay.
 20 A. That you -- from the product,
 21 productive, um, papers, work you sent me.
 22 Q. Okay.
 23 MR. YI: Let's take a quick two-,
 24 three-minute break and then go back on the
 25 record and take a lunch break at one.

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1 (Whereupon, a brief recess is
 2 taken.)
 3 Q. We were talking about your 2004
 4 PAR. Is it your understanding today that Miss
 5 Lotts approved Miss Wolke's decision to reduce
 6 the PAR from twenty-seven to twenty-four?
 7 A. Yes, she approved it, I guess.
 8 Q. Okay. Yet, when you filed this
 9 initial lawsuit, you only included Miss Wolke.
 10 Are you saying Miss Lotts wasn't part of this
 11 alleged discrimination against you by approving
 12 the lowered PAR score?
 13 A. No, because it was a number of
 14 things, it just wasn't the PAR score, it
 15 was...more than the PAR score.
 16 Q. Okay, but we -- I just want to
 17 focus on the PAR issue. So you didn't believe
 18 that she was a part of any kind of
 19 discrimination in having a part in lowering your
 20 PAR score.
 21 A. No, she didn't have any part in
 22 it.
 23 Q. Even though she might have
 24 approved it?
 25 A. I don't know if she approved it or

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1 not, I don't know --
 2 Q. But if she did, would you believe
 3 that she was part of it?
 4 A. No.
 5 Q. I want you to look at what I'm
 6 going to be marking at Exhibit 7, we're going
 7 out of order again.
 8 (Whereupon, Exhibit 7 is marked
 9 for identification.)
 10 Q. Just tell me when you're ready.
 11 A. I'm ready.
 12 Q. Okay. Is this your final PAR for
 13 the rating period of March 2001 to February
 14 2002?
 15 A. I guess.
 16 Q. And Yvonne Bivens was your
 17 supervisor then?
 18 A. Yes.
 19 Q. And you signed off on this PAR,
 20 agreeing with everything?
 21 A. Yes.
 22 Q. Okay. Can you look in the area
 23 that says "specific areas identified for
 24 development"?
 25 A. Um-hum, yes.

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1 Q. Number three, can you read what
 2 number three says?
 3 A. "Add or delete clients in computer
 4 within first quarter of year."
 5 Q. Okay. Can you also read number
 6 one?
 7 A. "Record data when received."
 8 Q. I can't read what that is.
 9 A. "Consult."
 10 Q. Okay.
 11 A. "Inform cottage nurse of
 12 needed...dates are consent to be signed."
 13 Q. On the left-handed side, it says
 14 "specific areas identified for development."
 15 Can you read number three?
 16 A. "Update campus data sheets into
 17 Health Care Center computer."
 18 Q. And that's what the HCC stands
 19 for, correct?
 20 A. Um-hum.
 21 Q. Okay. I want to show you what I'm
 22 going to mark as Exhibit 8.
 23 (Whereupon, Exhibit 8 is marked for
 24 identification.)
 25 Q. And let me know when you're ready.

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1 A. Okay, I'm ready.
 2 Q. Okay. And is this the final PAR
 3 evaluation for the rating period of March 2002
 4 to February 2003?
 5 A. Yes, I guess.
 6 Q. Okay, and your supervisor then was
 7 Yvonne Bivens.
 8 A. Yes.
 9 Q. And you signed off on it agreeing
 10 with the ratings. Justification and development
 11 plan.
 12 A. Yes.
 13 Q. Can you look at the area that says
 14 "specific areas identified for development" and
 15 read number one?
 16 A. "Please continue entering
 17 clients...admissions data into Health Care
 18 Center computer."
 19 Q. Okay. And on the specific action
 20 to be taken by ratee, which is you, it says
 21 "enter required personal data pertinent to NJDC
 22 clients, please complete by the end of quarter."
 23 Is that correct?
 24 A. Yes.
 25 Q. Okay. I'm going to show you now

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1 what's going to be marked as Exhibit 9.
 2 (Whereupon, Exhibit 9 is marked
 3 for identification.)
 4 A. Um-hum.
 5 Q. Okay. Actually, can you explain
 6 for me, I don't understand the complete PAR
 7 rating system, what does a two mean? On the
 8 previous ones you were given a two. What does
 9 that mean?
 10 A. Well, that was before they started
 11 using the number system. They used to be one,
 12 two, three, four.
 13 Q. And which one was the best score?
 14 A. Um...it maybe was one, two, three.
 15 Three would be above -- three would be
 16 satisfactory -- or either two would be
 17 satisfactory, I don't know, I can't really
 18 remember, but that's what takes.
 19 Q. So two was above satisfactory.
 20 A. Two probably was satisfactory.
 21 Q. Okay.
 22 A. And maybe three was above
 23 satisfactory.
 24 Q. Okay. But you were not below
 25 satisfactory.

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1 A. No.
 2 Q. Okay.
 3 A. Never.
 4 Q. Okay. This one -- you've taken a
 5 moment to look at it?
 6 A. Yes.
 7 Q. And this one is twenty-four.
 8 Would this be the final PAR rating for the 2004
 9 cycle?
 10 A. Yes.
 11 Q. And instead of Bivens, now we have
 12 Carole Wolke on the bottom signing off on it,
 13 correct?
 14 A. Yes.
 15 Q. And you did not agree with the
 16 twenty-four PAR rating?
 17 A. No.
 18 Q. Okay, and why did you not agree
 19 with it?
 20 A. The rating had dropped from
 21 twenty-seven to twenty-four.
 22 Q. What do you mean it dropped?
 23 A. It was twenty-seven.
 24 Q. When was it twenty-seven?
 25 A. When Yvonne was doing it.

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1 Q. Okay. So it was dropped from the
 2 interim of a twenty-seven to the final of a
 3 twenty-four.
 4 A. Yeah.
 5 Q. Have you ever seen anybody's PAR
 6 evaluation drop from an interim score to the
 7 final score?
 8 A. No.
 9 Q. Do you believe that it's possible
 10 for it to drop from interim to final score?
 11 A. No.
 12 Q. Why not?
 13 A. Unless...oh, I don't know. Do I
 14 believe -- could you repeat the question?
 15 Q. Do you believe that it is possible
 16 that one's score from the interim could be
 17 dropped in the final?
 18 A. From the beginning you mean? From
 19 the very beginning to the --
 20 Q. From the interim score to the
 21 final. Is it possible that one score could
 22 become lower than it was in the interim, in the
 23 final?
 24 A. Oh, yes, it's possible.
 25 Q. Okay.

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1 A. But with the, you know, right
 2 proceedings before all that. Not just dropped,
 3 you know, abruptly, but dropped with warnings
 4 and, you know, you're expected to, you know....
 5 Q. So you had problems with the way
 6 the procedure was done.
 7 A. I had problems with it being
 8 dropped, period, not the proceedings.
 9 Q. Because you felt what?
 10 A. Because I felt like...here was a
 11 white employee who had a quarter of my job who
 12 either got a satisfactory or more. My job,
 13 which I have been doing for over twenty-seven
 14 years or fifteen years or how many ever years
 15 I've been doing it, and that's all she's doing
 16 as far as paperwork with consents, which was
 17 part of my job, gets a higher score or either
 18 her score stays the same.
 19 Q. Okay.
 20 A. And mine's get dropped, was
 21 unfair.
 22 Q. Who is this white person that
 23 you're talking about?
 24 A. Donna Corrado.
 25 Q. Didn't you also testify that she

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1 was a nurse?
 2 A. Yes.
 3 Q. And in a totally different job
 4 function.
 5 A. Yes.
 6 Q. Okay, did you see her actual PAR?
 7 A. No, but I did speak with her.
 8 Q. Okay. What did she say?
 9 A. When I aks sic her?
 10 Q. Yes.
 11 A. About her rating?
 12 Q. Um-hum.
 13 A. I aks sic her was she happy
 14 about her rate, did she get a good rating from
 15 Carole Wolke, she said yes.
 16 Q. Did you see her interim PAR which
 17 would list areas of development, et cetera?
 18 A. No.
 19 Q. So you never saw any of her PAR
 20 documents.
 21 A. No.
 22 Q. Did you speak with her about what
 23 her interim score was?
 24 A. No, I didn't go into specifics. I
 25 just aksed sic was she satisfied with what

<p style="text-align: right;">Page 90</p> <p>1 Carole had gave her because I knew what Carole 2 had gave me. 3 Q. Right. And you said she only did 4 a quarter of the work that you did. 5 A. She received a quarter of -- not a 6 quarter of work, but she receive a quarter of my 7 work, not even maybe a quarter, just a small 8 portion of my work. 9 Q. Okay. 10 A. Which was turned into a whole job. 11 Q. Okay. But we're talking about 12 2004, I'm not talking about when she became the 13 HIPAA consent person. 14 A. Um-hum. 15 Q. So at that time in '04 she was 16 still an LPN or RN, correct? A nurse? 17 A. I don't know anything about her 18 before then. 19 Q. Okay. 20 A. Only from the time that, you know, 21 my PAR rating was dropped. 22 Q. Okay. 23 A. That's when I... 24 Q. So you were comparing your PAR to 25 her PAR.</p>	<p style="text-align: right;">Page 92</p> <p>1 possible that Corrado might have got a 2 twenty-three or twenty-four? 3 A. That's possible. But I doubt it. 4 Q. Okay. But you don't have any -- 5 you haven't seen any documents -- 6 A. I don't have proof of that, but I 7 doubt it very seriously. 8 Q. I'm -- 9 A. Just knowing the relationship. 10 Q. Actually, let's look at that 11 document I just handed to you. Number nine 12 document? 13 A. Um-hum. 14 Q. Can you read to me specific action 15 to be taken by ratee, number two? 16 A. "Input needs to be current in the 17 computer and reviewed quarterly for any 18 updates." 19 Q. Okay. And is it also policy that 20 not only does the immediate supervisor sign off 21 on the rating, but then the supervisor of that 22 person has to also sign off on it? Which in 23 this case is Miss Roxanne Lotts. 24 A. Yes. 25 Q. Okay. And did she sign off on</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Right. 2 Q. And you thought it was unfair that 3 she had -- she was happy with her score and you 4 were unhappy with your score. 5 A. No, I thought it was unfair that 6 my PAR rating was being dropped and hers was not 7 being dropped or staying the same, whichever it 8 was. 9 Q. But you just testified you didn't 10 see -- 11 A. No. 12 Q. -- her PAR? 13 A. -- I didn't see it. 14 Q. Okay. 15 A. That's why I say it either was 16 better, it either was up or either it stayed the 17 same. She was happy with what she had. 18 Q. Did she tell you what her actual 19 score was? 20 A. No, I didn't aks sic and she 21 didn't tell me and I didn't even tell her what 22 mine's was. I didn't mention anything, I was 23 just curious to know, you know. 24 Q. I'm going to ask you a question 25 and you probably won't know the answer. Is it</p>	<p style="text-align: right;">Page 93</p> <p>1 this one? 2 A. Yes. 3 Q. I want to show you what's going to 4 be marked as Exhibit 10. 5 (Whereupon, Exhibit 10 is marked 6 for identification.) 7 Q. Just let me know when you're 8 ready. 9 A. It's the same thing. 10 Q. Okay. The score on there is a 11 twenty-seven, though, correct? 12 A. No. 13 Q. Look at Number 10. Exhibit 10. 14 A. Yeah, it's the same. 15 Q. Did I give you the wrong one? Let 16 me see. 17 A. (Showing). 18 Q. I'm sorry, I gave you the wrong 19 document. 20 (Whereupon, Exhibit 10 is 21 re-marked for identification.) 22 Q. Tell me when you're ready. 23 A. I'm ready. 24 Q. Okay. This is the interim score, 25 correct?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Um-hum.</p> <p>2 Q. And this one --</p> <p>3 A. Yes.</p> <p>4 Q. -- was not by Carole Wolke. This</p> <p>5 is the one where you got a twenty-seven,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And Miss Bivens was your rater on</p> <p>9 this one?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. Um-hum.</p> <p>13 Q. And on the specific actions to be</p> <p>14 taken by ratee, it says on number two,</p> <p>15 complete -- and the 'complete' is underlined; is</p> <p>16 that right.</p> <p>17 Do you see the underline under</p> <p>18 complete?</p> <p>19 A. Yes.</p> <p>20 Q. "Complete before this year's end</p> <p>21 2003 the required information in the first floor</p> <p>22 HCC's nursing computer data sheets."</p> <p>23 And you signed off on this interim</p> <p>24 PAR evaluation, correct?</p> <p>25 A. Um-hum.</p>	<p style="text-align: right;">Page 96</p> <p>1 Exhibit 1 which is the Complaint --</p> <p>2 A. I didn't agree with it. If I can</p> <p>3 go back to that, I didn't agree with it, it</p> <p>4 always was put there because I was -- my other</p> <p>5 workload always took priority so this was always</p> <p>6 not the priority. It was done, it was always</p> <p>7 done and kept up, it was no problem with it</p> <p>8 being behind and they go into the computer and</p> <p>9 they find that this person is not in the</p> <p>10 computer. It wasn't that a patient, a client,</p> <p>11 had to go out to the emergency room and they</p> <p>12 went through the computer and that person wasn't</p> <p>13 found.</p> <p>14 Q. Okay.</p> <p>15 A. It was not like that, it just</p> <p>16 always needed to be improved and updated all the</p> <p>17 time, that was just a part of what needed to be</p> <p>18 done.</p> <p>19 Q. Okay.</p> <p>20 A. It wasn't like it wasn't getting</p> <p>21 done, it wasn't like it wasn't being addressed.</p> <p>22 That's why the whole purpose of me asking for</p> <p>23 overtime --</p> <p>24 Q. Okay.</p> <p>25 A. -- in it.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And you agreed with the</p> <p>2 justification and the development plans?</p> <p>3 A. Um-hum.</p> <p>4 Q. Okay. Now, I want to show you</p> <p>5 what's going to be marked as Exhibit 11.</p> <p>6 (Whereupon, Exhibit 11 is marked</p> <p>7 for identification.)</p> <p>8 Q. And just let me know when you're</p> <p>9 ready.</p> <p>10 A. I'm ready.</p> <p>11 Q. Okay. Is this your interim PAR</p> <p>12 for the 2004-2005 cycle?</p> <p>13 A. Yes.</p> <p>14 Q. And at this time it's Michael</p> <p>15 Buongiorno, right? It's your new supervisor?</p> <p>16 A. Yes.</p> <p>17 Q. And he notes in the specific areas</p> <p>18 identified for development, number two, "enter</p> <p>19 and update as needed names, medical information</p> <p>20 in the computer data sheets." Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you agreed with that, that you</p> <p>23 need to work on that area for development.</p> <p>24 A. Um-hum.</p> <p>25 Q. Okay. I want you to look at</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. I want you to look at the</p> <p>2 Complaint, Exhibit 1, again. This one</p> <p>3 (indicating).</p> <p>4 A. Um-hum.</p> <p>5 Q. You mention in Paragraph 12 -- I</p> <p>6 want you to turn to twelve.</p> <p>7 A. The number 12?</p> <p>8 Q. Paragraph 12.</p> <p>9 A. Oh, okay.</p> <p>10 Q. I -- just for the record, I have</p> <p>11 to inform you that you can't use your notes.</p> <p>12 A. Oh.</p> <p>13 Q. Because if you use them I am</p> <p>14 allowed to see them in a deposition.</p> <p>15 A. Okay.</p> <p>16 Q. So I'm going to give you an</p> <p>17 opportunity to just put them away and if you</p> <p>18 need recollection, then we can work on that.</p> <p>19 A. Okay.</p> <p>20 Q. Let's look at Paragraph 12. In</p> <p>21 your Complaint, you state "Wolke decreased your</p> <p>22 performance assessment rating while increasing</p> <p>23 her counterparts who were not African-American."</p> <p>24 Who were these people?</p> <p>25 A. Michael, Mike the nurse. Donna</p>

<p style="text-align: right;">Page 98</p> <p>1 Corrado, Linda Grevald. 2 Q. How do you spell that? 3 A. Grevald. 4 Q. So is it your assertion that no 5 African-Americans had their PAR rating increased 6 or favorable? 7 A. No. Say -- repeat that question? 8 Q. So are you saying that only white 9 people had good PAR evaluations and 10 African-Americans had bad ones? 11 A. I'm saying I had a bad one. 12 Q. Okay. 13 A. And all the white, all the white 14 employees that I know had satisfactory. 15 Q. Okay, let's talk about these 16 people. We've already talked about Donna 17 Corrado. Mike Buongiorno, you say he's a nurse? 18 A. Um-hum. Yes. 19 Q. So he's not a principal clerk 20 typist? 21 A. No. 22 Q. And, actually, he was a supervisor 23 of yours at one point. 24 A. Yes. 25 Q. Did you look at his PAR?</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay, so, then, how do you know 2 they were excellent? 3 A. I know her. 4 Q. Okay, so your basis for saying 5 that white coworkers had higher PARs is that you 6 know her? What does that mean? 7 A. That she, she's partial, she's 8 partial to...me as being black and them as being 9 white. 10 Q. Okay, so you're saying they were 11 not evaluated based on their merits. Only 12 because they had a certain skin color that they 13 had a good PAR score? 14 A. That's my opinion. 15 Q. Okay, but what facts do you have 16 to support that? 17 A. That they got ratings and good 18 comments from her and I didn't. 19 Q. Okay -- 20 A. For no reason. 21 Q. But you just testified you didn't 22 see any of these papers that had the comments 23 or -- 24 A. Well, I spoke with them and they 25 all got satisfactory, they all told me they got.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. No. 2 Q. Did you look at his interim PAR? 3 A. No. 4 Q. Did you have occasion to super -- 5 look at how he's operating as a nurse? 6 A. Yes. 7 Q. Okay. And you thought he didn't 8 deserve a good PAR evaluation? 9 A. I didn't think anything. 10 Q. Okay. But you don't give him a 11 PAR evaluation, do you, as a principal -- 12 A. No. 13 Q. Did you have any occasion to look 14 at any comments or rationale that supported 15 their PAR grade? 16 A. Well, she gave them excellent. 17 That I know if anyone was to go back and look at 18 all the white ratings that she gave, she put in 19 nothing but positive comments about them. 20 Q. Okay, but I asked did you -- 21 A. And I don't have to see them or 22 know that. 23 Q. But I asked you did you actually 24 look at those. 25 A. No.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Okay, did -- 2 A. I spoke with all of them. 3 Q. Did Donna Corrado tell you her 4 score? 5 A. No, they didn't give me their 6 score, they got satisfaction or above, they were 7 set -- they were happy with their rating. 8 Q. And -- 9 A. I asked each one of them how did 10 Carole rate you, did you pass. Yes. 11 Q. So your score of twenty-four, you 12 testified that's above satisfactory. 13 A. Yes. 14 Q. And you also testified eventually 15 they changed your score from twenty-four to 16 twenty-seven. 17 A. Yes. 18 Q. And you were happy with that 19 score? 20 A. Yes. 21 Q. Okay, and that's higher -- way 22 above satisfactory at twenty-seven. 23 A. No. 24 Q. What is it based out of, a 25 thirty-point system?</p>

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1 A. I'm not for sure.
 2 Q. Okay, but twenty-seven represents
 3 a score that's higher than twenty-four.
 4 A. Yes.
 5 Q. And you didn't get to see Donna
 6 Corrado's score. And you didn't see Mike
 7 Buongiorno's PAR score.
 8 A. No.
 9 Q. But you think they were happy with
 10 it?
 11 A. I aksed sic them.
 12 Q. But never told you what --
 13 A. I aksed sic Linda, I aksed sic
 14 Donna.
 15 Q. Okay.
 16 A. Were they happy with what Carole
 17 rated them.
 18 Q. Okay.
 19 A. And they said yes.
 20 Q. But you don't know if they got a
 21 twenty, a twenty-one and --
 22 A. I don't know what their number
 23 was.
 24 Q. Okay. Can you look at Paragraph
 25 14 of your Complaint? Just a couple of lines

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1 down.
 2 "On or about September 2004,
 3 plaintiff made an informal complaint with Miss
 4 Roxanne Lotts that she was being discriminated
 5 by Wolke. NJDC by and through its agent,
 6 servant, employee, Miss Roxanne Lotts, took no
 7 action in response to plaintiff's informal
 8 complaint."
 9 This is the September 2004 letter
 10 that you were talking about, correct?
 11 A. Yes.
 12 Q. Okay. Was a copy of that sent to
 13 Carole Wolke?
 14 A. A copy of my letter?
 15 Q. Yeah.
 16 A. No.
 17 Q. Did you carbon-copy it, for
 18 instance, saying to Miss Lotts and at the end of
 19 the letter cc --
 20 A. No.
 21 Q. Okay. Was it intended for Miss
 22 Lotts's eyes only?
 23 A. This letter (indicating)?
 24 Q. The September 2004 letter.
 25 A. Exhibit 1?

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1 Q. Yes.
 2 A. Yes, it was addressed to Miss
 3 Lotts.
 4 Q. Okay. So there was no expectation
 5 that you wanted her to show it to everybody
 6 because you wanted to confide in Miss Lotts; is
 7 that right?
 8 A. Yes.
 9 Q. Okay. Do you know if Miss Wolke
 10 ever saw that letter?
 11 A. I'm not for sure.
 12 Q. Okay. And that complaint in '04
 13 was about the PAR evaluation, correct?
 14 A. Yes.
 15 Q. Can you look at 14 again?
 16 Actually fifteen.
 17 "Thereafter Wolke learned about
 18 the informal complaint that plaintiff made with
 19 Director of Nursing Miss Lotts. Thereafter,
 20 Wolke made plaintiff's life miserable by
 21 verbally threatening her by stating I'll fix you
 22 or I'll get you one way or another and through
 23 other acts or threats of retaliation.
 24 Additionally, throughout this time, plaintiff
 25 continued to observe that Wolke continued to

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1 treat her differently than her office
 2 counterparts who are not African-American."
 3 A. Um-hum.
 4 Q. When did Wolke say 'I'll fix
 5 you'?
 6 A. Around about...it was after
 7 September.
 8 Q. Were you going around telling your
 9 coworkers that Wolke was a racist?
 10 A. I told them I feel like she's a
 11 racist. I didn't say she was a racist, I said
 12 she makes me feel like a racist.
 13 Q. Because of the PAR evaluation.
 14 A. No, because of several incidents.
 15 Q. Okay, let's go over each one of
 16 those now; what were the incidents that made
 17 you feel that she was a racist.
 18 A. Because of the way she treated me.
 19 She didn't -- belittered sic me, she always
 20 made me feel like I was less than nothing next
 21 to her, you know, white counterparts.
 22 Q. And her white counterparts are
 23 Corrado, Buongiorno and Gervald.
 24 A. That were worked -- that worked
 25 right with me, yes.

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1 Q. Okay. I'm going to show you
2 what's going to be marked as Exhibit 12.
3 (Whereupon, Exhibit 12 is marked for
4 identification.)
5 Q. Let me know when you're ready.
6 A. I'm ready.
7 Q. Okay. This is a letter you sent,
8 once again, to Miss Roxanne Lotts on December
9 1st, 2004?
10 A. Yes.
11 Q. And is this a letter that you
12 sent?
13 A. Yes.
14 Q. And what were you complaining
15 about?
16 A. Oh, when she threatened me.
17 Q. Okay. First of all, what time is
18 your normal shift at NJDC?
19 A. Five-fifteen -- nine-fifteen to
20 five-fifteen.
21 Q. Okay, on this letter you start off
22 on December 1st, 2004 at 5:45 p.m.. What were
23 you doing at NJDC at 5:45 p.m.?
24 A. 'Cause I came in late that day.
25 Q. Okay. So you were staying a

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1 little bit extra to meet --
2 A. Yeah.
3 Q. All right. So tell me about the
4 incident.
5 A. What?
6 Q. What happened? Why did you write
7 this complaint? Tell me --
8 A. Oh, because I was, um, doing the
9 medical trips for the next day and, um...okay, I
10 was doing medical trips for the following day
11 and one of the patients Carole is...I guess
12 kinda close with, she has a relationship with
13 the client, Patricia Brady was the client, was
14 going out on a medical trip and sometimes she
15 refuses, but if Carole talk to her she maybe
16 will go out.
17 So I approached Carole and I aksed
18 sic, I let her know that Patricia Brady will
19 be going out on a medical trip the following day
20 and you might want to talk with her so we won't
21 have no problems with her refusing to go out on
22 this medical trip and I think at that point she
23 blurted out to me I'm not helping you do
24 anything, um...I'm not gonna help you do
25 anything, I'll tired of you calling me a racist.

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1 And I said to her I'm not calling
2 you a racist, I said you make me feel like you
3 are a racist the way you treat me.
4 Q. Okay, let me just stop you right
5 there.
6 So you just testified that you
7 weren't calling her a racist, but you were
8 telling some coworkers 'I feel like Wolke is
9 doing racist things because of X, Y and Z'?
10 A. Treating me differently.
11 Q. Did you ever tell that to Wolke to
12 her face before this incident?
13 A. Before December incident?
14 Q. Yeah.
15 A. I think I have, and, um --
16 Q. And how did she react to that when
17 you told her that?
18 A. She said she, she, um, didn't --
19 she didn't think she was treating me like she
20 was a racist.
21 Q. Okay. Okay. And then what
22 happened after she said I'm tired of you calling
23 me a racist? What did you say? What happened?
24 A. I said I'm not calling you a
25 racist, I said you make me feel like you a

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1 racist.
2 Q. Okay.
3 A. The way you treat me, you treat me
4 different from, you know, all your other
5 workers, I said that.
6 Q. And what happened after that?
7 A. Oh, she said but I will get you, I
8 will -- I'm, I'm gonna get you for that, I'm
9 gonna fix you one way or another, she made a
10 threat and I gotta afraid of that threat because
11 knowing her position she could get me and, you
12 know...
13 Q. Does this document help you recall
14 what she might have said? Because this is
15 written on the day of the incident, correct?
16 A. Which one is that?
17 Q. This one (indicating).
18 A. December?
19 Q. December 1st letter. So you wrote
20 this letter pretty much after it happened.
21 A. Yes.
22 Q. So --
23 A. No, I wrote it, I think, the next
24 day.
25 Q. Does this refresh your memory?

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1 A. I think I did it.
 2 Q. Would it refresh your memory as to
 3 exactly what she said? Because you wrote it
 4 pretty close to the event?
 5 A. Well, I just remember her saying
 6 I'll fix you, I'll, I'll get you, I'll get you
 7 one way or another.
 8 Q. Okay.
 9 A. And I just remember it felt
 10 threatening, that's what I remember about it.
 11 Q. Let's just read this sentence
 12 here. I just want -- the words are very
 13 important right now.
 14 A. Oh.
 15 Q. You said in your letter to Miss
 16 Lotts, you said "Miss Wolke continued the
 17 conversation by accusing me of calling her a
 18 racist. She stated to me if I keep calling her
 19 a racist she would fix me."
 20 Is that what she said? Is that
 21 what Miss Wolke said to you?
 22 A. Yeah, it could have been.
 23 Q. Okay.
 24 A. If I wrote it, then this what she
 25 said to me.

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1 Q. Okay. So what happened after that
 2 when she said 'I'll fix you' or words to that
 3 effect?
 4 A. What happened after she made that
 5 statement?
 6 Q. Yeah, right.
 7 A. I think, um, we got a little
 8 emotional about --
 9 Q. Crying?
 10 A. No, we weren't crying. I think we
 11 got emotional. I just remember thinking, wow,
 12 she sounds like she's gonna do something
 13 terrible to me. I already know she doesn't like
 14 me, it seems like.
 15 Q. Where were you guys when this
 16 incident happened?
 17 A. In the nurses station.
 18 Q. Is that near any of the clients?
 19 A. No.
 20 Q. So they weren't witness to that
 21 scene.
 22 A. Um, the nurses were there, it was
 23 two, three nurses were there.
 24 Q. Do you remember which nurses were
 25 around?

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1 A. Alana -- Arissa Alanis, Judy
 2 Hernandez and I think Alan, I can't remember
 3 Alan's last name.
 4 Q. So would it be fair to say that
 5 you said you were emotional, that it was an
 6 argument?
 7 A. I said it could have gotten
 8 emotional, I just can't really call it clearly,
 9 I just remember...mainly I'll fix you, I'll get
 10 you one way or another. I can't remember
 11 exactly what was my statement after that or what
 12 was her -- oh, I know what my statement was. I
 13 said are you making a threat. That's what my
 14 statement was, I said --
 15 Q. Were you --
 16 A. -- is that a threat.
 17 Q. Were you close to each other when
 18 you are saying this?
 19 A. About the distance me and you are.
 20 Q. So about two feet.
 21 A. Yeah.
 22 Q. Did you ever get up to each
 23 other's face?
 24 A. No.
 25 Q. Was anybody's voice raised?

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1 A. Hers -- maybe probably -- I talk
 2 loud anyway so I'm sure my voice was raised if
 3 not hers.
 4 Q. So did it look like both of you
 5 were a little bit distressed about the
 6 situation?
 7 A. No, I was kinda upset because it
 8 just came out of nowhere, I'm talking about job
 9 related work and somehow or another she has it
 10 in her head that -- I don't know whether it was
 11 because of -- I really don't know what stemmed
 12 it off.
 13 Q. Um-hum.
 14 A. Because I were -- I approached her
 15 in a, in a -- as a coworker presenting job work
 16 related information and then...
 17 Q. Um-hum.
 18 A. Whatever was going on in her head
 19 I have not a clue, but she blurted out this.
 20 Q. Did you ever at a meeting
 21 basically say 'I think Carole Wolke has
 22 emotional or mental issues'?
 23 A. Oh, yeah.
 24 Q. Why do you think so?
 25 A. Because of that incident and

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1 previous incidents she just, you know.
 2 Q. You think her mental issues made
 3 her incapable of doing her job?
 4 A. Yes.
 5 Q. You think it made her -- strike
 6 that question, okay.
 7 You said there were a couple of
 8 witnesses standing around you, right?
 9 A. Yes.
 10 Q. Do you have any reason to believe
 11 that any of those witnesses would have sided
 12 with Carole or sided with you?
 13 A. Some time people just don't want
 14 to get involved; I believe that.
 15 Q. Okay.
 16 A. Because a lot of times I don't
 17 want to get involved, so...not that they want to
 18 side with anyone, they just don't want to be
 19 involved in it.
 20 Q. Okay. So your recollection of the
 21 event is you had a business question, you said
 22 what do I do with this medical trip?
 23 A. Um-hum.
 24 Q. Then she started saying?
 25 A. No, I aksed sic -- I said you

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1 might want to talk with...Patricia Brady.
 2 Q. Okay.
 3 A. She has a medical appointment.
 4 Q. So you were talking business.
 5 A. Right, I was talking --
 6 Q. Nothing personal.
 7 A. No.
 8 Q. Then she came out and said I'm
 9 tired of you calling me a racist?
 10 A. Yes.
 11 Q. So in your opinion you feel that
 12 elevated everything?
 13 A. That's where it started at.
 14 Q. Okay.
 15 A. And she said I'm not helping you
 16 with anything anymore.
 17 Q. Okay.
 18 A. Because I'm tired of you calling
 19 me a racist.
 20 Q. I'm --
 21 A. So I don't know --
 22 Q. -- going to show you what's going
 23 to be marked Exhibit 14.
 24 (Whereupon, Exhibit 14 is marked
 25 for identification.)

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1 Q. Just let me know when you're
 2 ready.
 3 A. I'm ready.
 4 Q. Does Miss Rizalina Orlanes, was
 5 she a witness to that event on December 1st?
 6 A. Yes.
 7 Q. And what was her position?
 8 A. I think she was supervisor of
 9 nursing.
 10 Q. Was she a nursing supervisor?
 11 A. Yes.
 12 Q. What's her ethnicity?
 13 A. Asian, uh...
 14 Q. Philippino?
 15 A. Philippino.
 16 Q. Okay. What was your relationship
 17 with her?
 18 A. It was okay, coworker
 19 relationship.
 20 Q. Okay, so she was there at the
 21 scene. And, like I asked you before, do you
 22 remember Ed McCabe?
 23 A. Yes.
 24 Q. He's the DHS investigator?
 25 A. Yes.

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1 Q. So he spoke with Miss Orlanes
 2 because you said that she was present there at
 3 the incident, right?
 4 A. Yes.
 5 Q. All right. So Mr. McCabe asks
 6 her, did you hear Carole Wolke tell Phyllis
 7 Atkinson I'll fix you and Alanis says, yes, it
 8 was words to that effect, they were both
 9 arguing, they were both emotional, Carole said
 10 it.
 11 Is that an accurate statement?
 12 A. Could be.
 13 Q. Were you both arguing?
 14 A. I was responding to her. I
 15 wouldn't say I was arguing with her, I was
 16 responding to her reaction to what she just
 17 said, so I wouldn't say I was arguing with her
 18 'cause what would there be to argue with her
 19 about.
 20 Q. Were you --
 21 A. -- I was responding.
 22 Q. Were you in disbelief when she was
 23 talking about non-business stuff back to you?
 24 A. I was upset because she said I'll
 25 fix you, I'll get you one way or another and I

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1 know her position, I know her title and it,
 2 like...upset me because she said that.
 3 Q. Okay. And then you wanted to let
 4 her know are you threatening me.
 5 A. Right.
 6 Q. In response, okay.
 7 A. Because --
 8 Q. I want to show you what's -- go
 9 ahead.
 10 A. Because she know I already made a
 11 complaint against her about the PAR rating and I
 12 made complaints verbally over and over about how
 13 she treats me partially, different from
 14 her...from the other coworkers, so I'm --
 15 Q. Let me ask you --
 16 A. -- thinking that came from...that
 17 outburst.
 18 Q. Right.
 19 A. Came from previous...
 20 Q. Right. Because you're saying she
 21 retaliated against you because of the letter,
 22 the PAR letter.
 23 A. Yes.
 24 Q. Now, if you go back to that
 25 letter, I think it's Exhibit 1, September 20th,

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1 2004, who is it addressed to?
 2 A. It's addressed to, uh Miss Roxanne
 3 Lotts.
 4 Q. Did you carbon copy or send a
 5 correspondence copy to Carole Wolke?
 6 A. No.
 7 Q. Okay, why didn't you do that?
 8 A. Because I wasn't interested in
 9 sending her a letter, I just wanted to have a
 10 meeting. I requested a meeting from Roxanne
 11 Lotts --
 12 Q. Okay.
 13 A. -- with her about the letter. She
 14 was, uh, she was Carole's superior and she
 15 could -- if there was anything that could be
 16 done about it she would be the one that could
 17 be -- do something about it.
 18 Q. Okay. So you felt like sending
 19 this to Wolke wouldn't have been productive?
 20 A. Mm, no, because I already felt
 21 hostile...from her so I didn't think she was
 22 interested in, um, helping me out.
 23 Q. So do you know if Wolke ever
 24 received a copy of this?
 25 A. I know we had a meeting on it, I

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1 don't know if she ever received a copy, but I do
 2 know --
 3 Q. Okay.
 4 A. -- she know the contents of it
 5 because we were sitting in the meeting together
 6 with it, when Roxanne -- you know.
 7 Q. And when she said I'll fix you,
 8 did she talk about the PAR incident?
 9 A. No.
 10 Q. Isn't it true that she was talking
 11 about maybe it was her incorrect perception that
 12 you were going around calling her a racist?
 13 Isn't that what sparked this whole December 1st
 14 incident about I'll fix you?
 15 A. No, I wasn't going around telling
 16 everybody she was a racist. I told her to her
 17 face.
 18 Q. Right, I just want you to listen
 19 to the question carefully.
 20 Isn't it true that the reason why
 21 this December 1st 2004 incident happened is
 22 because she felt like you were going around
 23 calling her a racist?
 24 A. I don't know what she felt.
 25 Q. Okay.

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1 A. I have not a clue what she felt.
 2 Q. All right. But she didn't bring
 3 up anything about how dare you write that letter
 4 about the PAR evaluation, et cetera, did she?
 5 Did she mention that on December 1st?
 6 A. I don't recall.
 7 Q. Okay. But she did mention I'm
 8 sick and tired of you calling me a racist?
 9 A. Yeah.
 10 Q. Or words to that effect.
 11 A. To that effect, yeah.
 12 Q. I want to show you what's going to
 13 be marked as 13.
 14 (Whereupon, Exhibit 13 is marked for
 15 identification.)
 16 Q. Tell me when you're ready.
 17 A. I'm ready.
 18 Q. Do you remember this?
 19 A. Yes, I do.
 20 Q. What is this?
 21 A. It was a tag from a Christmas
 22 present that she gave me.
 23 Q. What did she give you?
 24 A. What did she give me? I don't
 25 even recall.

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1 Q. Did you feel that it was a hostile
2 act when she gave you a present?
3 A. Well, it was a deceptional sic,
4 I felt that it was a deceptional act, but I felt
5 like if she was -- I'm a Christian and if she
6 felt she wanted to try to make amends, then I
7 will try to make amends. I didn't know I was
8 being deceived until what she was plotted in her
9 head.
10 Q. Okay. So she put time to make
11 amends during the...
12 A. Holidays.
13 Q. Season.
14 A. And that's all she was talking
15 about during that time.
16 Q. And you felt that was deceptive?
17 A. Yeah, she was just, um, pulling me
18 back into her web because after the letter I did
19 not even bother, um...dealing with her at all, I
20 just, you know. No conversation at all with
21 her, I just go to work and not be bothered with
22 her at all.
23 Q. Okay. So you're saying after the
24 12/1 incident, you basically steered -- you said
25 I'm not --

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1 A. No, before the 12/1 incident.
2 Q. Okay.
3 A. This is when she requested to --
4 this happened after, this is when she requested
5 to, um...let's, let's make amends.
6 Q. Okay. And that was 2004 Christmas
7 time. Around then, right? Was that after the
8 I'll fix you incident?
9 A. Say that again? Repeat that?
10 Q. You say after she sent you this
11 card because it has to be, what, late December,
12 right?
13 A. Yeah, it was, hmm...
14 Q. So she gives you a gift and this
15 was attached to it. At that time you thought
16 this was deceptive? Or now you think it's
17 deceptive?
18 A. No, at that time I wrote it in my
19 notes somewhere that she just tricked me into
20 being deceptive. At the time I didn't -- I was
21 kinda leery at accepting it because I didn't
22 know what her motives were, but being a
23 Christian, if she wants to make amends and make
24 peace, you know, it was part of my
25 responsibility to do that, so that's what I was

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1 doing.
2 Q. So were you kind of...receptive to
3 the idea that maybe you guys could just start
4 anew?
5 A. Yeah, I just was gonna kinda feed
6 her with a long handle...a long wooden spoon and
7 not allow her --
8 Q. At arm's length?
9 A. -- to get too close to me anymore
10 because it looks like she out to hurt me and...
11 Q. But at that time you were possibly
12 thinking -- you were cautious about thinking
13 that this could settle your problems.
14 A. Well, I was hoping that, um...I
15 was hoping that it could, you know, just...erase
16 everything and...kinda, you know, move on.
17 Q. Okay. And you say in Paragraph 14
18 of your Complaint, the lawsuit Complaint
19 (indicating)...you might just keep that by you
20 so you can look at it at all times.
21 A. Fourteen.
22 Q. It's Exhibit A.
23 A. Is it more than two pages?
24 Q. It might be down here somewhere
25 (indicating).

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1 In 14, you say that Miss Lotts was
2 notified about your PAR incident, right?
3 Because you sent her an informal complaint.
4 Correct?
5 A. Yes.
6 Q. And you say in your lawsuit on
7 Paragraph 14, "however, Miss Lotts took no
8 action in response to plaintiff's informal
9 complaint."
10 Isn't it true that she changed
11 eventually your PAR back to twenty-seven,
12 though?
13 A. When I wrote the letter, December
14 letter, she never took any action. That had
15 nothing to do with this (indicating). This was
16 not changed back during that time.
17 Q. When was it changed back?
18 A. That was changed back after my
19 discrimination charges, everything was changed
20 after my discrimination charge. Nothing was
21 changed beforehand.
22 Q. Okay.
23 A. Everything came after.
24 Q. So -- wait, I just want to stop
25 you there.

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1 So your problem is not that they
2 didn't take action, but they didn't take it
3 quickly enough?
4 A. They allowed all this to happen to
5 me and then they tried to correct everything
6 after everything happened to me.
7 Q. After you filed the
8 discrimination --
9 A. After I filed the discrimination,
10 when --
11 Q. Okay, I understand that now.
12 A. When I wrote the December letter
13 that was between me and her. She never did
14 anything about it then.
15 Q. I'm sorry, her meaning?
16 A. Roxanne Lotts.
17 Q. Okay.
18 A. She never did anything about it,
19 you know.
20 Q. About the I'll fix you incident?
21 A. Right, she never did anything.
22 And then this letter came after that (showing).
23 And it was just...quiet, you know, I didn't push
24 for her to do anything, you know, but in the
25 back of my head...

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1 Q. Okay. Isn't it true, though, that
2 eventually Miss Lotts consulted with Marcia
3 Parchment about -- she's the hostile work
4 environment coordinator, right? Someone whose
5 job is to stop --
6 A. Yes.
7 Q. -- hostile work environment?
8 A. Yes.
9 Q. Or -- actually, strike that.
10 Workplace violence, she's tasked
11 at NJDC with preventing that.
12 A. Yes.
13 Q. So isn't it true that Lotts
14 eventually talked with Marcia Parchment about
15 this issue, the I'll fix you issue?
16 A. After. After. Everything came
17 after.
18 Q. Okay.
19 A. Nothing in between from the letter
20 of September to the letter of December, nothing,
21 there was one meeting which was September, the
22 meeting I requested, but from this meeting
23 (indicating) to December there was nothing...uh,
24 changed or nothing happened.
25 Q. So the --

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1 A. Now, the fact that things was
2 getting even more heated up in between, between
3 that with my vacation and with my Christmas,
4 everything was just getting out of control, and
5 even at that point I still was not pushing, it
6 was only when she...disciplinary came
7 (indicating) that I had to...
8 Q. So you said that there was a
9 meeting in response to the September --
10 A. Yes, there was a meeting.
11 Q. But you weren't satisfied with the
12 results.
13 A. Yeah, I ended up, um, I think I
14 ended up signing the PAR because I had refused
15 to sign it at one point --
16 Q. Okay.
17 A. -- when...
18 Q. Correct.
19 A. And then I think after -- I think
20 I did end up signing it.
21 No, I never did sign it because it
22 had rested itself and it was no longer...didn't
23 matter at that point.
24 Q. Okay.
25 MR. YI: It's one o'clock so let's

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1 break for a half an hour break and then
2 let's start and we're gonna have to move a
3 little bit quicker to finish up at four,
4 otherwise, I'm going to ask the judge for
5 another day to finish this up.
6 All right, so we'll be back in half
7 an hour.
8 (Whereupon, a lunch recess is
9 taken.)
10 Q. Ready to go?
11 A. Ready or not, doesn't matter,
12 right?
13 Q. Okay, back on the record. All
14 right, can you turn with me to Exhibit A, your
15 Complaint that you filed in Federal Court? And
16 let's go to Paragraph 15, I think it's...third
17 page. Paragraph 15, please.
18 Okay, I'll read it.
19 "Additionally, throughout this time plaintiff
20 continued to observe that Wolke continued to
21 treat her differently than her office
22 counterparts who are not African-American."
23 Can you tell me what exactly, some
24 specific incidents, that led you to conclude
25 that.

<p style="text-align: right;">Page 130</p> <p>1 A. Oh, she denied my vacation time 2 and, um...my Christmas vacation, the vacation 3 time, just every -- anything that she can -- is 4 it all right I drink my water? 5 Q. Yeah, go ahead. 6 A. Anything that, um... 7 Q. I kind of need you to be precise 8 here because you say you -- 9 A. She denied my vacation time twice. 10 Q. Okay, twice? 11 A. For no reason at all. I had put 12 it in enough time for it to be approved or not 13 approved and she never did give it -- she 14 approved everybody else's in a timely manner, 15 but she didn't mine's and then when I had -- 16 because of that I had to put in, uh, re...put in 17 my vacation time and then it was denied and it 18 was...then she lied on me and said I didn't put 19 it in on time, so it's just a lot of little, 20 little things that she were doing. 21 Q. Okay. So I'm going to ask you are 22 those the two incidents that -- where you say 23 that she treated other counterparts who are not 24 African better than you? 25 A. That's two of 'em.</p>	<p style="text-align: right;">Page 132</p> <p>1 vacation times, the PAR and incident and what 2 else? 3 A. I can't recall right from the top 4 of my head. 5 Q. Okay. 6 A. I know it was more, um, my job 7 duties were taken away from me and that was, 8 um...people who were out sick and they came back 9 to their job duty responsibilities is -- were 10 given back to them, but that was taken away from 11 me. 12 Q. Okay. 13 A. Um...let me see. 14 Q. But I want you to focus 15 specifically on your assertion that you said 16 white office counterparts were treated 17 differently and better than African-American 18 ones. 19 A. What I'm saying is they have been 20 out on sick leave, these other people have been 21 out on sick leave and when they came back they 22 job responsibilities was given back to them. 23 That didn't happen to me. 24 Q. Okay. 25 A. Mine's was taken away from me.</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. I want you to name them all now. 2 It's your opportunity to tell me what happened, 3 so you tell me about two vacations? 4 A. I'll just answer the question, 5 whatever question you aks sic me. 6 Q. So I'm asking you the other one, 7 you have two vacation incidents and what else? 8 A. Um...two vacation incidents, what 9 else did she do? 10 Q. Do you want me to just ask you 11 questions? 12 A. Yes. 13 Q. The PAR evaluation, is that part 14 of that, too? That you said Donna Corrado, Mike 15 Buongiorno and Linda Grevald were treated 16 better? Is that part of your assertion that 17 white counterparts were it treated better? 18 A. Yes. 19 Q. Okay, what else is there? How 20 about the desk? Are you saying that white 21 counterparts were given desks and you weren't? 22 A. No. 23 Q. All right. 24 A. That never was -- 25 Q. Anything else besides the two</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. So you're saying it for you, but 2 have you observed African-Americans who also 3 went out on sick leave and were not given their 4 job responsibilities back? 5 A. I don't know because I work in the 6 building with -- 7 Q. So -- go ahead. 8 A. With...you know. 9 Q. So you can only testify about what 10 happened to you so that's what you were 11 testifying to. 12 A. Yeah, my experience. 13 Q. Um -- 14 A. And -- well... 15 Q. All right, we can move on from 16 there. I want you to look at what's already 17 been marked as Exhibit 2. I think it should be 18 there. 19 Can you please turn to the bottom 20 page that says Atkinson 74? So you make a 21 statement "it is my belief that because I am 22 black she sees me to be inferior to her and 23 other white people." You also say that "she 24 makes statements as I don't need my own computer 25 or my own desk."</p>

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1 And then at the bottom of that
 2 paragraph, you write "Miss Wolke was certainly
 3 in a hundred percent agreement with Miss Corrado
 4 receiving her own office and everything new."
 5 So are you testifying that that's
 6 not a problem to you now anymore, that she
 7 received -- Mrs. Corrado received a desk and you
 8 didn't? A new desk.
 9 A. I don't understand the question.
 10 What I'm saying is that the desk issue was one
 11 of the issues, but it wasn't a big issue, it was
 12 just a opinion that one of the things that I see
 13 that she did, she was not happy about me not
 14 having -- uh, she made a statement that I don't
 15 need a desk and I have been working in that
 16 position for over twenty-something years or
 17 however many years I been working and she makes
 18 a statement saying I don't need a desk, but then
 19 the white...my white co-employee, she was happy
 20 when she got all her desk, so she, like, it's
 21 better for her to have one than me, you know.
 22 Q. And I just want to refer you to --
 23 we looked at the document where Roxanne Lotts
 24 testified to Ed McCabe and she said that she
 25 approved the hiring of Donna Corrado, correct?

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1 Do you remember that document?
 2 A. Yes.
 3 Q. And that as a result she got a new
 4 office and a new desk.
 5 A. Yes.
 6 Q. Is that correct, okay. Now, isn't
 7 it --
 8 A. Not true.
 9 Q. Go ahead.
 10 A. It's not true.
 11 Q. What's not true?
 12 A. That, um...um, Roxanne appointed
 13 Donna. She might have been part of it, but Mr.
 14 Wirkenheiser was the one chose Donna for that
 15 position.
 16 Q. So are you now saying that Mr.
 17 Wirkheiser is part of a...the discrimination
 18 against you?
 19 A. No, I'm not saying that. I'm
 20 saying that's not the statement Roxanne stated
 21 that...
 22 Q. Okay.
 23 A. She was the one that chose Donna
 24 is not fully true.
 25 Q. But would you be in a position to

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1 know if she did make that decision or not?
 2 A. Only by hearsay.
 3 Q. Is it also true that Sheila
 4 McCrea -- what was her position?
 5 A. She was principal clerk
 6 transcriber.
 7 Q. And is that a similar position as
 8 you?
 9 A. Yes, that's the same.
 10 Q. And she's also African-American?
 11 A. Yes.
 12 Q. And you made an assertion that she
 13 didn't receive a desk as well?
 14 A. No, not at the time.
 15 Q. Okay. But isn't it true that she
 16 eventually did get a new desk?
 17 A. We all got desks after Donna got
 18 her desk.
 19 Q. Okay. But Sheila is a principal
 20 transcriber, correct?
 21 A. Yes.
 22 Q. And you are a principal
 23 transcriber.
 24 A. Yes.
 25 Q. But Donna Corrado is -- she was a

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1 nurse at that time and then she got a new
 2 position called the HIPAA consent office --
 3 A. Yes.
 4 Q. Okay, so she was a different
 5 position than you two.
 6 A. Yes.
 7 Q. I want you to look at what I'm
 8 going to mark as 15.
 9 (Whereupon, Exhibit 15 is marked
 10 for identification.)
 11 Q. Tell me when you're ready.
 12 A. I'm ready.
 13 Q. Okay. And this is another
 14 statement taken by the investigator Ed McCabe of
 15 Sheila McCrea; is that correct?
 16 A. Yes.
 17 Q. And look at the bottom. Mr.
 18 McCabe asks her, "was there a problem with your
 19 not getting a desk while a white employee did."
 20 Miss McCrea responds "no, I didn't need a desk,
 21 but I got one soon after Miss Corrado."
 22 Do you have any disagreement with
 23 that statement?
 24 A. No, it's just what I said, we got
 25 one after Miss Corrado.

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1 Q. Okay.
 2 A. We got one after her. We been
 3 there for years doing the job and we got one
 4 after her, new desks came after, not before.
 5 Q. Did everybody else in the office
 6 get a new desk at the same time you and Sheila
 7 got new desks?
 8 A. Yeah, everybody got one after
 9 Donna and --
 10 Q. So Donna got the first new desk?
 11 A. Right.
 12 Q. And --
 13 A. Because there was a complaint and
 14 everyone else got one after Donna.
 15 Q. And by everybody else, who else?
 16 A. Linda Grevald, Emma Jones, Sheila
 17 McCrea and myself.
 18 Q. Okay. So all the principal...
 19 A. No, two nurses.
 20 Q. Okay.
 21 A. And two principal clerk
 22 transcribers.
 23 Q. Okay. Can you please look at
 24 Exhibit 6 again?
 25 A. Six?

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1 Q. Yeah, it's already been entered.
 2 Okay, and this is the statement by
 3 Miss Lotts to Investigator McCabe.
 4 A. Um-hum.
 5 Q. Do you remember this document? At
 6 the bottom had Mr. McCabe asks "was there a
 7 problem with her not getting a desk while a
 8 white employee did." And by 'her' she means
 9 you, right?
 10 And Miss Lotts replies "everyone
 11 was putting in for getting new desks. A new job
 12 title came out for a HIPAA officer which
 13 required new office space and furniture. I
 14 selected Miss Corrado for the job because she
 15 was the best qualified. Phyllis never even
 16 applied for the job. Phyllis did one part of
 17 the consent and that was now given to Miss
 18 Corrado. With Miss Corrado there was an urgent
 19 need for the furniture and she got it first.
 20 Phyllis and everyone downstairs got their new
 21 furniture and computers eventually."
 22 Is that an accurate statement now
 23 that you've said everybody got their furniture
 24 after Donna did?
 25 A. Some parts of it.

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1 Q. Okay, which parts do you contend
 2 are not true?
 3 A. I wasn't qualified.
 4 Q. Did you apply for it, though?
 5 A. I didn't know about it.
 6 Q. Okay, and we discussed this and
 7 you testified you didn't file an appeal with the
 8 Department of Personnel or anything, you just
 9 said so be it, it just happened, so that was
 10 that?
 11 A. It wasn't a problem until they
 12 strike me down when Carole treated me
 13 impartially sic.
 14 Q. But you never applied for it,
 15 though, that's the conclusion, right? You never
 16 applied for that job.
 17 A. I didn't know about it. I
 18 couldn't apply for something I didn't know
 19 about.
 20 Q. Okay.
 21 A. If I would have knew about it I
 22 probably would have applied.
 23 Q. How do you know it was Carole
 24 Wolke who assigned office furniture to people?
 25 A. Furniture?

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1 Q. Yeah. Are you saying that Wolke
 2 was the reason why you didn't get your
 3 furniture?
 4 A. She could have played a part, I'm
 5 not for sure. One hundred percent.
 6 Q. So what's your basis for thinking
 7 that --
 8 A. I believe she was the one
 9 that...my basis is that it was made clear that
 10 Donna Corrado gets her desk, computer and
 11 everything first.
 12 Q. Okay, and you saw Miss Lotts'
 13 statement to Ed McCabe explaining that there was
 14 an urgent need for her to get the furniture?
 15 A. She said that, but...
 16 Q. And you disagree with Miss Lotts'
 17 decision?
 18 A. Yeah, I disagree, you know.
 19 Q. You thought you should have gotten
 20 one over Miss Corrado?
 21 A. Pffff, yes.
 22 Q. And why is that?
 23 A. The years I been there doing the
 24 work, I mean, I've requested a desk, years and
 25 years of requesting a desk and I never got

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1 anything -- got one.
 2 Q. How many years did Sheila McCrea
 3 have in the State system?
 4 A. Probably, maybe a little more than
 5 I, I have twenty-seven.
 6 Q. So could she have gotten it --
 7 A. I said the same thing; she should
 8 have, too.
 9 Q. So it's your testimony today that
 10 it's your opinion that based solely on seniority
 11 McCrea and you should have gotten it over
 12 Corrado, a new desk.
 13 A. Well, I think I should have
 14 because I requested one. I don't know if Miss
 15 McCrea ever requested a desk, but I know I've
 16 requested a desk. Long before Miss Corrado got
 17 a position and long before Miss Corrado...got
 18 the, uh, position in that office I requested and
 19 I didn't get one.
 20 Q. Did you feel upset when Donna
 21 Corrado took all of your medical consent
 22 responsibilities?
 23 A. Oh, no, never. Never, ever.
 24 Q. You were happy that she did that?
 25 A. It was, it was okay, I was fine

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1 with it. It was never a problem until my PAR
 2 rating was dropped. That's when the problem
 3 started, all of this. Donna had her desk, she
 4 had her title, her job, she had all that and I
 5 never made a complaint. It was only when my PAR
 6 rating was dropped that it became a problem. I
 7 knew that I was being treated differently, I was
 8 gonna deal with it.
 9 Q. You mentioned that some of your
 10 job responsibilities were taken away when you
 11 came back from leaves. Was that one of the job
 12 responsibilities that was taken away, the
 13 medical consent?
 14 A. No. That was already given to
 15 Donna.
 16 Q. We can discuss that later, but I
 17 just wanted to know that specifically.
 18 A. Oh, okay.
 19 Q. So you didn't feel less important
 20 now that Donna was taking all your medical
 21 consent.
 22 A. Oh, no, that had nothing to do
 23 with it. I, I felt like, you know, it was wrong
 24 at the time that it was all happening, but it
 25 was no issue, it was no big deal because as long

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1 as I still had a job and as long as there were
 2 my work performance...nobody was intervening
 3 with that or showing partiality sic, it was
 4 never a problem for me.
 5 Q. And you mentioned there was
 6 another principal clerk typist. Or transcriber
 7 with --
 8 A. Senior clerk transcriber.
 9 Q. But you said there were different
 10 job responsibilities and you had certain extra
 11 responsibilities; is that an
 12 accurate...statement there?
 13 A. Similar, some of our
 14 responsibilities were similar --
 15 Q. Right.
 16 A. -- but there -- some of 'em
 17 were...different, like. For example, I was
 18 solely the main one that would do the medical
 19 trips. That was not --
 20 Q. Okay.
 21 A. -- anyone else's responsibility.
 22 Q. Is that any different than the
 23 medical consent? I'm trying to understand the
 24 difference.
 25 A. No.

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1 Q. They're the same thing.
 2 A. Medical consents is when you get
 3 permission from a guardian to do a procedure.
 4 Q. Okay.
 5 A. And medical trips is when you're
 6 scheduling patients to go out to the hospital
 7 for procedures to be done.
 8 Q. Okay. And out of your job duties,
 9 what percentage of it was taken up by doing
 10 medical consent?
 11 I understand it's not an exact
 12 science, you could...ballpark figure is fine.
 13 A. I don't understand the question,
 14 like. What are you asking me?
 15 Q. If you -- was it half of your job
 16 responsibilities to do medical consent, was it
 17 one-fourth of your job, was it a hundred percent
 18 of your job to do medical consent?
 19 A. It would depend on...I could say a
 20 hundred percent because it was part of the
 21 medical, preparing paperwork for a patient.
 22 Q. Okay.
 23 A. To process for a patient.
 24 Q. I just want to make sure we're
 25 understanding the issue.

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1 So you're saying one hundred
2 percent of -- when you showed up to work at
3 nine-fifteen, a hundred percent of your job
4 duties was to do medical consent for the rest of
5 the day? Is that what you're trying to tell me
6 or...
7 A. You could make it all day. Job.
8 Q. Okay, but let's look at over the
9 course of a whole year because sometimes you're
10 probably doing one thing on one day, another
11 thing -- because you told me sometimes the
12 medical trips pop out and you're out for two or
13 three hours, right?
14 A. Yeah.
15 Q. For a year time, how much of that
16 time is taken up doing medical consent?
17 A. Probably...maybe, um, a little
18 more than a quarter.
19 Q. Okay, so did you consider that
20 somewhat substantial amount of work because it's
21 one out of every four things you have to do
22 you're saying is a medical consent issue.
23 A. Um-hum.
24 Q. So would that be a fair
25 assessment?

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1 A. Yes.
2 Q. Okay. And when that was all of a
3 sudden taken from you and now Donna Corrado was
4 going to handle that one hundred percent of the
5 time, you were okay with that.
6 A. Um-hum.
7 Q. And you didn't feel any --
8 A. I mean, at the time it wasn't
9 right that I didn't get an opportunity to, you
10 know -- it wasn't discussed, like...it was just
11 told to me that a new law came out and they
12 needed, uh, a nurse to do this position so it
13 was left that it could -- I wouldn't have been
14 eligible -- the only -- that's the only thing I
15 can -- that's the only reason I can think she's
16 saying I'm not qualified because I'm not a
17 nurse.
18 Q. Okay.
19 A. That's the only other thing other
20 than -- it couldn't have been not from my work
21 performance because I knew the job, but --
22 Q. So your understanding is that the
23 HIPAA consent person had to be filled with a
24 nurse.
25 A. That's my understanding --

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1 Q. Okay.
2 A. -- to it.
3 Q. All right, that makes sense now.
4 You mentioned about your November
5 2004 Thanksgiving vacation time off. When do
6 you contend was the first date of your
7 submission for that vacation request?
8 A. March of 2004.
9 Q. Okay.
10 MR. YI: Sixteen.
11 (Whereupon, Exhibit 16 is marked for
12 identification.)
13 Q. Do you recall that form, Ms.
14 Atkinson?
15 A. Yes.
16 Q. Okay. And can you tell me the
17 date on the top that this form was made by you?
18 A. 11/19/04.
19 Q. And you asked for which dates?
20 A. 11/24, 11/23, 11/29, 11/30.
21 Q. And on the bottom, can you tell me
22 what date Carole Wolke denied this?
23 A. 11/19.
24 Q. Okay, but your contention is you
25 filed this in March?

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1 A. This is not the original one, we,
2 we receive, uh, vacation requests, everyone,
3 every employee receives a vacation request which
4 they have to complete and give back to their
5 superior and then it gets approved, but I never
6 received mine's back and because I never
7 received mine's back I had to do it over again.
8 Q. So when was the first time when
9 you realized, my goodness, they don't have my
10 Thanksgiving request, I better do something
11 about that?
12 A. I don't know, because -- I can't
13 remember exact date, but I remember requesting
14 and letting Roxanne know that I didn't receive
15 my vacation request back.
16 Q. Okay, I'm just trying to
17 understand. You said in March of 2004 -- that's
18 eight months.
19 A. Right.
20 Q. -- before Thanksgiving you said
21 that you put in your request. You haven't heard
22 back from anyone for a long, long time. When is
23 the first time you basically informed them I'm
24 taking these days off and they said, uh, no,
25 you're not because you never gave us a form?

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1 A. They never said that because I did
 2 give them a form and they had my form and I have
 3 proof that they had my -- that Carole withheld
 4 my vacation time because I wanted another day
 5 off and --
 6 Q. And what proof is that?
 7 A. The proof is that when I --
 8 Christmas when I requested time off, also,
 9 because my vacation never change over all the
 10 years that I've been out there, I always took
 11 this time off and always...uh, it's like
 12 clock-work, November and December I always took
 13 the same days off, same time off, never had a
 14 problem with no supervisor.
 15 And when I got ready to take my
 16 vacation for Christmas, somewhere around that
 17 time, which was in '04, also, yeah, it was in
 18 '04, Carole denied it again and I went to
 19 Roxanne and I stated to her that my vacation
 20 time was denied and she -- what did she say to
 21 me?
 22 Q. I think we're confusing two
 23 issues. I want to talk specifically about the
 24 Thanksgiving one and then we can move on to the
 25 Christmas issue.

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1 A. Okay.
 2 Q. In March you file it. When is the
 3 first time where you -- where someone said we
 4 don't have it in the books that you requested
 5 the time?
 6 A. They don't keep it in a book. She
 7 just was backed up on her work, Carole was just
 8 really backed up or either just holding mine's,
 9 I don't know whether she was backed up on her
 10 work or just holding my vacation.
 11 Q. Um-hum.
 12 A. It appeared to me that she was
 13 holding my vacation slip and I had proof that
 14 she has my vacation slip because Roxanne made a
 15 remark when I requested for my Christmas
 16 vacation.
 17 Q. Okay, so then was it around
 18 November the first time you discovered that it
 19 was not going to be approved?
 20 A. Yes.
 21 Q. Okay, so prior to then, you didn't
 22 make any inquiries about --
 23 A. Yes, I did, my vacation.
 24 Q. When?
 25 A. Uh, I'm not for sure of the time,

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1 but I did request, you know, I made...I
 2 approached her, Carole, a couple times asking
 3 her when am I gonna get my vacation time back.
 4 Q. And what did she say?
 5 A. Like she always does
 6 (indicating) --
 7 Q. I'm busy?
 8 A. -- she always hunched sic. No,
 9 she didn't say I'm busy. She just hunched sic
 10 her shoulder (indicating).
 11 Q. Okay. And what did you take that
 12 to mean?
 13 A. I don't know what I take it to
 14 mean.
 15 Q. Did you inform her -- like inform
 16 her just like you told me that like clock-work
 17 you took these --
 18 A. Yes.
 19 Q. -- days off in November? If --
 20 even if it was clock-work, did you still have to
 21 make the official request for those days?
 22 A. Yes.
 23 Q. Okay. So you didn't get the time
 24 that you wanted that according to Exhibit 16 you
 25 wanted these four days. Did you end up getting

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1 those four days?
 2 A. I think I did.
 3 Q. Okay. And you had to go through
 4 Roxanne to get those four days?
 5 A. Um...I'm almost sure I did.
 6 Q. And to this date Carole never gave
 7 you an explanation of what happened?
 8 A. No.
 9 Q. Okay. And she shrugged the only
 10 time you asked her.
 11 A. Yeah.
 12 Q. Paragraph 16 of the Complaint that
 13 you filed, you state "for example, in November
 14 of 2004 plaintiff requested vacation time off.
 15 This request was denied by Miss Carole Wolke
 16 even though submitted far in advance.
 17 Additionally, plaintiff alleges that the
 18 vacation requests of plaintiff's
 19 non-African-American counterparts were approved
 20 by defendant Wolke."
 21 Who are these people that had
 22 their vacation approved?
 23 A. Linda Grevald and Donna. They
 24 white.
 25 Q. Do you know when they --

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1 A. Coworkers.
 2 Q. -- submitted their vacation
 3 requests?
 4 A. We all submit 'em in March. We
 5 all have to, we all get them at the beginning of
 6 the year, I think in January, and we have to
 7 have 'em back to the supervisor by March, uh,
 8 15th.
 9 Q. So then everybody can kind of
 10 plan --
 11 A. Yeah.
 12 Q. -- the rotations?
 13 A. Yes.
 14 Q. Do you know if Sheila got a
 15 vacation at that time?
 16 A. I don't recall.
 17 Q. Do you recall...what other
 18 principal transcribers were there with you at
 19 that moment? During that time. It was
 20 Sheila...
 21 A. That's, that's it. Just me and
 22 Sheila work in the nursing department.
 23 Q. So it's possible that she got her
 24 vacation, but you don't know.
 25 A. I don't think so. I don't know.

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1 I really don't know.
 2 Q. You don't know because you
 3 don't --
 4 A. I'm not gonna answer to that.
 5 Q. You didn't check her attendance
 6 records or anything like that?
 7 A. No.
 8 Q. But you eventually got the four
 9 days that you asked that was initially denied,
 10 but Roxanne said I'm going to give them to you?
 11 A. Yes.
 12 Q. Tell me more about the December
 13 vacation request.
 14 A. I had to do another slip like
 15 this.
 16 Q. Also in March?
 17 A. In -- no. I didn't have my
 18 original vacation slip because I never -- it was
 19 never returned back to me, so I, I had to do the
 20 extra one which is these forms, you, you -- when
 21 you asking for time off, request for time off.
 22 And...I requested for that time off and it was
 23 denied by Carole again.
 24 Q. Um-hum.
 25 A. And I tried to explain to Roxanne

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1 that Carole never gave me my annual, annual
 2 vacation request back and I requested for this
 3 time way off in advance why am I being denied.
 4 Q. Um-hum.
 5 A. And she told me Carole said that I
 6 did not request for this time off, so that let
 7 me know if Carole knew that I didn't request for
 8 this time off she must have had my vacation
 9 request.
 10 Q. But you never talked to Carole.
 11 This is just what you're hearing off of Roxanne.
 12 A. Yeah, from Roxanne, because
 13 Roxanne told me she was not gonna approve it,
 14 she told me to call, she told me to call Carole
 15 at home and, um, and...she told me to call
 16 Carole at home and if Carole changes it she'll
 17 change it. And I told her I'm not calling
 18 anyone at home to request -- I called the CEO,
 19 um, Bernice Davis?
 20 Q. The assistant.
 21 A. Assistant CEO? And I got it
 22 straightened out through her.
 23 Q. Let me ask you a question. This
 24 is December of 2004, correct?
 25 A. Um-hum.

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1 Q. And we talked about at length the
 2 December 1st incident where Carole came up to
 3 you and made a non-business comment and said I'm
 4 tired of you calling me a racist and then she
 5 said I'll fix you, right? So that happened
 6 immediately before your vacation, right? In
 7 December? Or it happened around that time in
 8 December.
 9 A. Yes.
 10 Q. Okay. So by that time Carole had
 11 already denied your Thanksgiving vacation,
 12 correct? She had already done that?
 13 A. Yes.
 14 Q. So if you knew or had suspicions
 15 that Carole was discriminating against you by
 16 not giving you your vacation time, why did you
 17 go to someone else to ask for your vacation time
 18 if you believed that Carole was going to
 19 discriminate against you?
 20 A. I tried to go to Roxanne and she
 21 told me I had to deal with Carole. Over and
 22 over I tried to tell her it's not working
 23 between me and Carole, I'm not getting along
 24 with her, we're -- you know, she's treating me
 25 different.

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1 Q. And especially after the December
2 1st I'll fix you incident?
3 A. Yeah, and she kept referring me
4 back to Carole.
5 Q. Did you and Carole, after that
6 incident, did you guys have any contact with
7 each other or were you avoiding each other?
8 A. Well, she walk, go in the office,
9 I walk, go in the office because...
10 Q. Because you said you felt
11 threatened by her when she said I'll fix you?
12 You didn't know what that meant, but you felt
13 threatened?
14 A. Threatened to what she was gonna
15 try to do to me and get me fired or get a
16 disciplinary...you know.
17 Q. So you felt intimidated by Carole,
18 safe to say?
19 A. Not intimidated. Just knowing,
20 knowing the authority that she has over -- her
21 title, her position. I would -- I didn't feel
22 intimidated as to -- I just thought she might
23 make up some lies or cause -- you know, cause me
24 to have problems like she was in -- because I
25 was having so much problem and Roxanne kept

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1 referring me back to her, that's how the
2 assistant --
3 Q. Okay.
4 A. -- director of nursing...
5 Q. Did you get your time eventually
6 that you asked for?
7 A. She gave it to me because she told
8 me the assistant director of nursing, um, gave
9 it to me because I told Roxanne, I said, if
10 Carole knows that I didn't request for this time
11 off, then she's, she has -- you should know
12 that -- no, this was another time, now I'm
13 getting time confuse.
14 Carole -- I think Roxanne approved
15 the December time off, it seem like Roxanne
16 maybe approved time off, because I say Carole
17 was out sick and I needed the time off and she
18 said that Carole said I didn't request for that
19 time off and I said, well, did she show you
20 any -- did she show you proof, did she show you
21 my vacation time so that you can see that I
22 didn't request and she said no. And that's how
23 she approved it.
24 Q. So you brought up something new
25 that I didn't know. You said that Carole took

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1 sick time in December?
2 A. She was out sick during that time
3 that the re -- I was requesting...
4 Q. So she never actually saw the
5 request, then, because she was out sick.
6 A. She had denied it. Already.
7 Q. But if she was out sick, how did
8 she get the request from you for the December
9 vacations?
10 A. She denied my vacation time in
11 December so now I was going to Roxanne to get
12 her to overturn it. Roxanne was saying that she
13 was not gonna overturn it because Carole said
14 that I did not have this time, I didn't request
15 for this time. And I said if Carole is saying
16 that I didn't request for this time, how come
17 she didn't give me my annual vacation time back
18 and if she knows that I didn't request for this
19 time, then that's proof that she has my
20 vacation -- my annual vacation request. She has
21 it.
22 Q. Let me ask you a question. From
23 all the years that you worked at NJDC, do
24 supervisors have the ability to deny someone's
25 vacation time?

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1 A. Yes.
2 Q. But did you feel like in this
3 situation, had Carole given an explanation for
4 the November 2004 request, would that have been
5 sufficient to you?
6 A. No. Because I was asking her for
7 my annual vacation time because the CEO said
8 when you don't receive your annual vacation
9 request back with -- where it says not approved
10 you can assume that it's approve.
11 Q. Okay, but my question was you just
12 testified that supervisors do have the ability
13 to deny your vacation.
14 A. During the annual vacation
15 request. That's the whole purpose of putting it
16 in early in March so if she had the, she had the
17 authority to deny it in March, but not at the
18 time that I request it because I should have
19 received it back by then.
20 Q. So you were upset that for eight
21 months you were almost led on to believe you had
22 the time.
23 A. That it was approved, that it was
24 okay, it was time I took every year at the same
25 time, so...

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1 Q. So if Carole had come back to you
2 in June or April and said I'm not going to give
3 it to you, then you would have felt like that
4 would have been more appropriate because she
5 was --
6 A. It would have been more lined --
7 it would have been more lined up with what
8 her...
9 Q. I understand.
10 A. Job duty is.
11 Q. Okay, thank you. I want to talk
12 about the red A incident. In October and
13 November of 2004, were you told by Roxanne Lotts
14 that...were you told about your continuous
15 tardiness to work by Roxanne Lotts?
16 A. October to February 15th?
17 Q. No, October to...in October or
18 November of 2004 did you have discussions with
19 Miss Lotts wherein she said you're having some
20 issues with tardiness?
21 A. It could have been during the
22 meeting, the September meeting. That's the only
23 time it could have been.
24 Q. Right.
25 A. And then the next time she was

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1 talking about my tardiness was when -- February
2 the 15th when another incident occur.
3 Q. Were you ever tardy to work?
4 A. Of course. Yes.
5 Q. How many times a week would you be
6 tardy?
7 A. Oh...I don't know, several times,
8 I --
9 Q. How many times?
10 A. -- have my times changed -- maybe
11 ten, fifteen, twenty some time.
12 Q. Did your supervisors write you up
13 when you came in ten, twenty minutes late?
14 A. No.
15 Q. Did they understand you had foster
16 children and six children and you might have
17 some issues with that?
18 A. Mm...it was always a issue.
19 Q. Okay. But did Lotts ever talk
20 with you in October or November of 2004
21 basically telling you you gotta watch out about
22 tardiness?
23 A. Yeah, I kinda recall her -- not at
24 a meeting or anything, but maybe, maybe one day
25 when I came in --

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1 Q. Right.
2 A. -- and I maybe met her in the
3 crossway and aksed sic her about can I change
4 my time or something and giving her a reason
5 why.
6 Q. So she wasn't threatening with a
7 discipline, but she was giving you kind of a
8 heads up that you were being --
9 A. Something has to be.
10 Q. You're being tardy on a constant
11 maybe, let's maybe work on that.
12 A. Yeah.
13 Q. Did you meet with Investigator Ed
14 McCabe and give him a statement in support of
15 your discrimination complaint?
16 A. Yes.
17 Q. Okay.
18 MR. YI: That's going to be marked
19 Exhibit 20.
20 (Whereupon, Exhibit 20 is marked for
21 identification.)
22 Q. And just let me know when you're
23 ready.
24 A. I'm ready.
25 Q. Please turn to the second page of

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1 that statement. Question by Mr. McCabe. "You
2 received a red A for attendance which you
3 dispute. Do you come in on time." And you
4 answered "I don't always come in on time because
5 I'm a foster parent and have child care issues.
6 However, I always call when I won't be on time
7 and I work my seven hours."
8 Do you recall making that
9 statement?
10 A. Yes.
11 Q. So you basically told him I might
12 come in late, but I always make sure to catch up
13 with my seven hours of work, correct?
14 A. Yeah, get my work duties done.
15 Q. Okay. Can you turn to Exhibit 3
16 which has already been marked.
17 And just to refresh your memory,
18 this is an interoffice memo from Miss Lotts to
19 Marcia Parchment who is the work violence
20 prevention coordinator, something to that
21 effect, right? And if you look at page sixteen,
22 this is Miss Lotts giving her account of the
23 situation with you.
24 "In October and November of 2004
25 Phyllis was told of her continued tardiness.

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1 Phyllis came to me in December about Carole
 2 speaking to her about concerning her lateness
 3 and incomplete data sheets. I spoke to Phyllis
 4 about the importance of arriving to work on
 5 time. Then she says in January of 2005 Phyllis'
 6 tardiness grew progressively worse."
 7 Do you recall -- you already
 8 testified, I'm sorry, that you did pass on
 9 occasions with Roxanne and talked about
 10 tardiness, correct?
 11 A. Yes.
 12 Q. Okay. And do you recall in
 13 December talking to Carole about your tardiness
 14 and lateness?
 15 A. Yeah, but all of this tardiness
 16 and lateness, all of this came after my charges,
 17 nobody made no big things about data sheet,
 18 nobody made big things about lateness until
 19 after I brought discrimination charges against
 20 the, uh, institution and Carole.
 21 Q. Okay, but you don't dispute the
 22 fact that you were tardy on occasions?
 23 A. No, I don't dispute it at all.
 24 Q. Okay. Can you tell me what a red
 25 A is?

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1 A. No-call/no-show. No call and --
 2 Q. Just elaborate. I'm trying to
 3 understand what a red A is, I've never seen it
 4 before.
 5 A. A red -- you can be given...three
 6 red A's and that will -- that's a call from
 7 being terminated from your job, if you get three
 8 red A's on your record.
 9 Q. How many red A's have you had?
 10 A. Never had any. Oh, red A is for
 11 no call and no show. That mean if you don't
 12 call in and let them -- a hour before and let
 13 them know that you're gonna -- you're not gonna
 14 come to work or if you don't call and let them
 15 know you gonna be late it can require -- I don't
 16 know about late, but I just know --
 17 Q. Okay.
 18 A. -- really no-show.
 19 Q. So the one hour is important?
 20 A. One hour's important that you
 21 call.
 22 Q. So you start at nine-fifteen,
 23 correct?
 24 A. Yes.
 25 Q. So if you wanted to call in,

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1 according to the way you described it, it should
 2 be around eight-fifteen saying --
 3 A. If I'm not gonna be to work at
 4 all.
 5 Q. Okay. And the date that this
 6 happened, the red A that was issued was February
 7 14th, 2005?
 8 A. Yes.
 9 Q. Is that Valentine's day it was
 10 done?
 11 A. Yes.
 12 Q. And on that day you said you had
 13 an issue that you had to go to court, correct?
 14 A. Yes.
 15 Q. When did you find out about the
 16 court appearance?
 17 A. Not court, it was, um, a hearing
 18 with the, with the, um...one of the children
 19 were acting out and I had to meet with the
 20 social worker and the school officials on how to
 21 resolve, um...it's like a room, it wasn't like
 22 going in a courtroom and sitting in the court.
 23 Q. And when did these individuals
 24 tell you about this meeting?
 25 A. Well, when the child acted up in

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1 school, I had to, you know...
 2 Q. And what time was that?
 3 A. Shortly after the child got to
 4 school, shortly after.
 5 Q. And what time approximately would
 6 that be?
 7 A. Mm. Probably -- I don't know, it
 8 was so many incidents where I, I had, uh, to, to
 9 just...was on my way out to go to work and had
 10 to reverse and go the opposite way.
 11 Q. Okay, but --
 12 A. So.
 13 Q. Did you call NJDC before you
 14 headed out to go to that hearing? Hearing or
 15 whatever meeting you had to go to.
 16 A. Yeah.
 17 Q. Did you give them a call? Before
 18 eight-fifteen?
 19 A. No, because I was planning on
 20 coming to work.
 21 Q. Okay. Did you have a cell phone
 22 at that time?
 23 A. What year was it?
 24 Q. 2005.
 25 A. Yes.

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1 Q. Okay. I want you to see...
 2 MR. YI: I'm going to have this
 3 marked as 3a.
 4 (Whereupon, Exhibit 3a is marked for
 5 identification.)
 6 Q. Take a look at that, tell me when
 7 you're ready.
 8 A. I'm ready.
 9 Q. Okay. Is this the written warning
 10 that Carole Wolke issued to you on February 15,
 11 2005?
 12 A. Yes.
 13 Q. And she describes the incident on
 14 February 14th, 2005 that you failed to notify
 15 the operator an hour prior to the beginning of
 16 your shift of your intended lateness. You came
 17 to work and signed in at one-thirty p.m. Your
 18 shift is nine o'clock to five o'clock p.m. You
 19 received a red A for the day. Now, let's break
 20 this down.
 21 Did you notify NJDC an hour before
 22 the beginning of your shift?
 23 A. I didn't have to, I was not gonna
 24 be absent from work, I was gonna be late, so
 25 when you're late you don't have to...if you got

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1 a emergency or something you don't have to
 2 notice -- you don't know you're gonna have a
 3 emergency, so you can't call a hour before
 4 something you don't know gonna happen.
 5 Q. Okay, but you didn't call, though,
 6 until later, right?
 7 A. I did, I did call.
 8 Q. Until later?
 9 A. I called the nurse, Mike.
 10 Q. Buongiorno?
 11 A. Yeah, Mike, I call him, and told
 12 him I was gonna be late.
 13 Q. All right, so at eight-fifteen did
 14 you call NJDC?
 15 A. I...
 16 Q. Around that time.
 17 A. No, I called my supervisor and let
 18 me supervisor know --
 19 Q. At eight-fifteen?
 20 A. I don't know, I can't remember
 21 what time it was.
 22 Q. Okay.
 23 A. But I know I called, I called him
 24 twice. To let him know that I was dealing with
 25 a situation.

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1 MR. YI: I'm going to show you
 2 what's going to be marked as Exhibit 18.
 3 (Whereupon, Exhibit 18 is marked for
 4 identification.)
 5 Q. Okay. Do you recall this
 6 document?
 7 A. Okay, yeah.
 8 Q. So would it be accurate to say
 9 that you called in at 10:42 a.m. that morning to
 10 let them know you were going to be one hour
 11 late?
 12 A. Possible.
 13 Q. Okay. I also want you to take a
 14 look at...
 15 A. But I possibly could have called
 16 Mike before this time.
 17 Q. Okay. But this is a record
 18 showing that at 10:42 you called. At the very
 19 least.
 20 A. Well, I could have called the
 21 operator, too.
 22 Q. Right.
 23 A. So there could have been a call to
 24 the operator, could have been a call to my
 25 supervisor first and then to the operator.

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1 Q. And this says it's for Roxanne L,
 2 so I guess you called for Roxanne to let her
 3 know?
 4 A. No. She's my director of nursing,
 5 she's over me, so this would go to her.
 6 Q. Okay. So by that time at 10:42
 7 you're a couple of hours late already, right,
 8 because your shift starts at nine, nine-fifteen?
 9 A. Um-hum. But I called Mike earlier
 10 and told him because I requested for time off,
 11 um, a personal day, so...
 12 Q. I want to show you what's been
 13 marked as 17. Or going to be marked as 17.
 14 (Whereupon, Exhibit 17 is marked
 15 for identification.)
 16 Q. Let me know if you're ready.
 17 A. Okay. Um-hum.
 18 Q. Okay. So that shows that you
 19 signed in at one-thirty, though, right?
 20 A. Yes.
 21 Q. So you eventually did show up even
 22 though you said you were gonna take an A day?
 23 A. No, I called back and cancelled
 24 the A day.
 25 Q. When did you call in and say you

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1 were going to take an administrative day?
 2 A. I requested an administrative day.
 3 Q. When was that again?
 4 A. That was in the morning.
 5 Q. Okay.
 6 A. When I was dealing whatever I was
 7 dealing with. It was, um...I don't know exactly
 8 what time, but I know I called three times, I
 9 called the operator and I called Mike twice.
 10 Q. Okay, and you signed in at
 11 one-thirty, though, right?
 12 A. Yeah, that's when I came to work.
 13 Q. And did you have any problems with
 14 Mike and your supervisor?
 15 A. No, he was all right.
 16 Q. Did you think he was being unfair
 17 to you or anything like that?
 18 A. No.
 19 Q. So he's...pretty much you were
 20 cool with him?
 21 A. Neutral.
 22 Q. I want to show you what's marked
 23 as 19a.
 24 (Whereupon, Exhibit 19a is marked
 25 for identification.)

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1 Q. And tell me when you're ready.
 2 Okay? You just testified that you
 3 considered Mike to be neutral and that you
 4 didn't have problems with him, correct?
 5 A. Right.
 6 Q. Is this a confidential incident
 7 statement filed by Mike Buongiorno?
 8 A. Um-hum.
 9 Q. For the red A incident, correct?
 10 A. Yes.
 11 Q. And he writes in his statement "on
 12 2/14/05, 1:20 p.m. Phyllis Atkinson had called
 13 the HCC requesting an emergency AL day to
 14 complete a pending personal matter with her
 15 adopted children. This writer had granted the
 16 AL day. At 1:35 p.m. Miss Atkinson reported to
 17 work cancelling the AL day and stating that
 18 shortly after calling the hearing took place and
 19 she was able to come to work."
 20 So this is a statement by Mike
 21 whom you considered a neutral person and you
 22 didn't have problems with. Do you disagree with
 23 his recollection of the incident?
 24 A. No, I don't.
 25 Q. Okay. So, then, is it true that

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1 at 1:20 you called HCC requesting the AL day?
 2 A. If he -- if that's the time, I'm
 3 not -- I don't recall what time it was.
 4 Q. Okay.
 5 A. If --
 6 Q. And you didn't call Carole Wolke,
 7 though, right?
 8 A. No.
 9 Q. You called the operator because
 10 you say you normally just call in to the
 11 operator. But you also called Mike.
 12 A. Um-hum.
 13 Q. Okay.
 14 A. I called the operator first, if,
 15 if you going by these times I called the
 16 operator first. Because I called the operator
 17 first, I guess.
 18 Q. Did you write a letter to Miss
 19 Lotts about this incident?
 20 A. Yes.
 21 MR. YI: I'm going to show you
 22 what's going to be marked as 19.
 23 A. At her request.
 24 Q. Okay.
 25 (Whereupon, Exhibit 19 is marked for

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1 identification.)
 2 Q. So you just said that Miss Lotts
 3 asked for your recollection of the day, correct?
 4 A. Yes.
 5 Q. And this is a letter that I'm
 6 showing to you, Exhibit 19, February 27th, 2005.
 7 A. Um-hum. Yes.
 8 Q. And you sent that directly to Miss
 9 Lotts?
 10 A. Yes.
 11 Q. Not to Wolke?
 12 A. No.
 13 Q. Okay, so in this letter you
 14 describe, if you look at the very bottom, it
 15 says "on February 14th, 2005 I had an emergency.
 16 I realized that I was not going to be on duty at
 17 my scheduled time so I made a call to the NJDC
 18 operator informing her that I was going to be
 19 late. After a short while had passed I was
 20 dealing with my crisis so I made a call back to
 21 NJDC and spoke directly to my supervisor. I
 22 requested for an administrator leave day, but
 23 immediately after calling that call my problem
 24 was resolved, so I called back to my work area
 25 and spoke with my supervisor again requesting

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1 him to cancel the administrative leave day
 2 because I am able to come on duty."
 3 Is that a fair assessment of what
 4 you felt happened on that day?
 5 A. Yes.
 6 Q. Okay. So when you came back to
 7 work, you signed in at one-thirty?
 8 A. Yes.
 9 Q. And you didn't feel that you had
 10 to call earlier to tell them that you were
 11 possibly going to be missing the day because
 12 you --
 13 A. No.
 14 Q. Because you said you only called
 15 if you were going to be late, right?
 16 A. No, you only have to call one hour
 17 before time if you're not gonna be in...you not
 18 gonna be on duty at all.
 19 Q. Okay, so your understanding --
 20 A. The policy is stated call one hour
 21 before an absence to let the --
 22 Q. But you didn't think you were
 23 going to be absent, just late.
 24 A. Right.
 25 Q. Okay.

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1 A. I knew I just was gonna be late.
 2 Q. And do you believe that when Wolke
 3 issued that written warning to you she was
 4 retaliating against you?
 5 A. Oh, yes.
 6 Q. And what is the basis for that?
 7 A. Because the evening before, the
 8 evening of...
 9 Q. The day before Valentine's Day?
 10 A. No, I think it was this...it was
 11 the same day, it was that same day.
 12 Q. Valentine's Day.
 13 A. February 14th.
 14 Q. Okay.
 15 A. That evening when I was leaving,
 16 to go off duty, I aksed sic Carole because she
 17 signed me out because I was going to the
 18 administration building to do the mail and I
 19 don't know, I -- it was pouring out raining and
 20 I don't want to have to come all the way back
 21 over to sign out. And she nodded her head, yes,
 22 she will sign me out.
 23 And when I came back, when I got
 24 to work that morning it was told that I had a
 25 red A and I immediately called Carole and I

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1 aksed sic Carole, I said did you sign me out.
 2 She said no. I said why not. She say I forgot.
 3 She just said, you know, I forgot. I was doing
 4 something. Knowing that she had already set me
 5 up, she just said I, I didn't, um...you know, I
 6 forgot, something to that effect.
 7 Q. Okay, look at the front of your
 8 letter, the same letter February 27th, 2005
 9 letter. You write "I feel that this is" --
 10 speaking about the red A. "I feel that this is
 11 retaliation from Miss Wolke because of my
 12 previous complaint letters that I wrote against
 13 Miss Wolke on September 28th, 2004 and December
 14 1, 2004."
 15 Isn't it true at that time Wolke
 16 wasn't even your supervisor anymore and it was
 17 Mike Buongiorno?
 18 A. She still was in charge, it, he,
 19 he -- she might have not been my direct
 20 supervisor to do, to do my PAR, to sign my PAR,
 21 but she still was in charge...she can give me
 22 instructions on work that needed to be done or
 23 give me permission to go home and all that, I
 24 didn't have to --
 25 Q. Because she was Mike Buongiorno's

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1 supervisor.
 2 A. Right, so...
 3 Q. And you say that she retaliated
 4 against you specifically because you wrote those
 5 two letters in 2004.
 6 A. Yes.
 7 Q. What's your factual basis that she
 8 gave you a red A because of those letters?
 9 A. Because she said she was gonna fix
 10 me, she was gonna get me one way or another, so
 11 this to me, since she made that statement, this
 12 was one way that I feel that she was gonna get
 13 me, by putting a red A on my record.
 14 Q. Okay. And wasn't the red A
 15 rescinded?
 16 A. Yes.
 17 Q. It was taken off?
 18 A. Yes, yes.
 19 Q. So you didn't suffer any pay loss
 20 for that.
 21 A. Well, I did, but they increased
 22 that, also.
 23 Q. Okay.
 24 Okay, so we have this incident
 25 that happens Valentine's Day 2005. Do you

<p style="text-align: right;">Page 182</p> <p>1 recall in March of 2005 when Lotts wanted to 2 have a meeting between you and Carole and Miss 3 Lotts. 4 A. Yes. 5 Q. Okay. And did she tell you why 6 she wanted to hold that meeting? 7 A. No. 8 Q. Did you attend the meeting? 9 A. No. 10 Q. Why not? 11 A. I was sick that day, I had a 12 doctor appointment on that day that was 13 scheduled before I even knew about a meeting, so 14 when I came in that morning I already knew I 15 wasn't gonna be there the whole day, not having 16 any knowledge of a meeting that she scheduled at 17 the last minute. 18 Q. Okay. You made some statements in 19 your Complaint that you felt Miss Lotts never 20 did anything about your complaints, correct? 21 A. Correct. 22 Q. And when she scheduled this 23 meeting, did you feel like that was doing 24 something to address your complaints? 25 A. It was all after the fact. At</p>	<p style="text-align: right;">Page 184</p> <p>1 because I have a doctor appointment which was 2 scheduled way before she even said anything 3 about a meeting. 4 So I don't know whether she 5 thought that was something that I just made up 6 out of my head or, or -- I don't know, you know, 7 where her thought was in that. 8 Q. Do you believe that Miss Lotts 9 approved Wolke's filing of the written warning 10 for the red A? 11 A. Approved? Yes. 12 Q. Okay. 13 A. She approved it. 14 Q. And did you consider that 15 discriminatory that Lotts was supporting Wolke 16 in filing this against you? 17 A. No, I think she was misled by 18 miss, um, information. I don't think she had 19 correct information when she allowed Miss Wolke 20 to do that. I think Miss Wolke deceived her in 21 the story that she told because I wrote a letter 22 to Miss Lotts explaining to her that what Miss 23 Wolke was saying was not true. 24 Q. So when she wrote this red A, did 25 she mention -- when Wolke wrote this red A</p>
<p style="text-align: right;">Page 183</p> <p>1 this point I was suffering headaches and anxiety 2 attacks and it was all after. 3 Q. Okay. 4 A. Nothing, nothing happened from 5 September '04 'til December '04. Nothing 6 happened. 7 Q. Okay, but -- 8 A. Only thing things started, 9 meetings started occurring after. 10 Q. Okay, but you're saying there were 11 meetings. 12 A. Well, meeting -- she -- well, 13 there was -- let me see. I didn't meet with her 14 that day because I had to go to the doctor. 15 March, whatever day that was, March... 16 Q. Did you actually write a letter to 17 Miss Lotts kind of saying how surprised you were 18 that she was questioning you about not showing 19 up for that meeting? 20 A. Yes, because there was -- this was 21 a last-minute meeting that she -- she didn't 22 pre-plan this meeting. This was a meeting she 23 just called out on the phone and said I need to 24 meet with -- I need to meet with you and -- you 25 and Carole and I told her I couldn't meet</p>	<p style="text-align: right;">Page 185</p> <p>1 warning, did she mention to you that she was 2 doing this because she wanted to retaliate 3 against you for the September and December '04 4 letters? 5 A. I don't think she would do that. 6 Q. Okay. So this is just your 7 opinion that you think the red A was because you 8 complained? 9 A. Well, everything happened after -- 10 you know, everything happened after I wrote the 11 letter. 12 Q. So you're saying because -- you 13 kinda looked at it as a cause and effect; you 14 sent the letter and all of a sudden you're 15 getting a red A? 16 A. No, I said she threatened me and a 17 red A is not a -- it's a serious, you know, 18 offense on your record and my concern was is 19 this what she means when she says she's gonna 20 fix me. 21 Q. Okay, but the red A was taken off 22 after you grieved it. 23 A. Yes. 24 Q. Okay. And was it determined that 25 there was communication problems between</p>

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1 Buongiorno, the operator, Wolke and all those
 2 involved that went into the issuing of the
 3 written warning? Is that why they rescinded it?
 4 A. No, because it's not appropriate.
 5 I was -- a red A is for no-show at work, I did
 6 show at work. If I wasn't supposed to be at
 7 work, Carole had seen me several times that day
 8 and it could have been corrected right then and
 9 there. You don't let me come to work and work
 10 all day and then the next day you give me a red
 11 A and say I wasn't supposed to be there or
 12 whatever. It just wasn't done right. It wasn't
 13 following procedures.

14 MR. YI: I'm going to show you what
 15 I want to mark as Exhibit 5.

16 (Whereupon, Exhibit 5 is marked for
 17 identification.)

18 Q. This is a statement given by Wolke
 19 to Ed McCabe. Tell me when you're ready.

20 A. I'm ready.

21 Q. Look at page Atkinson EEO 153.

22 A. Um-hum.

23 Q. The question was to Miss Wolke,
 24 why was Miss Atkinson given a red A. Answer by
 25 Miss Wolke, that is a day off without pay for

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1 attendance problem. I was told to do it by Miss
 2 Lotts, Director of Nursing.

3 Do you disagree with that?

4 A. She was told to do it after what
 5 she told Miss Lotts. Miss Lotts.

6 Q. Okay.

7 A. She was -- Miss Lotts was going on
 8 information that was received by Carole.

9 Q. Okay, but Miss Lotts could have
 10 ordered Wolke, then, say, go ahead, make the red
 11 A?

12 A. Yeah, she was acting on, acting
 13 upon what Carole Wolke had told her.

14 Q. This is not related to the red A
 15 issue, but I -- the question asked by Ed McCabe
 16 is Miss Atkinson alleged that you unfairly rated
 17 her on her March 2004 PAR. What were the
 18 circumstances. I dropped her from a
 19 twenty-seven to a twenty-four. She failed to
 20 enter data in the computer about client status.
 21 When I reported this to the director of nursing
 22 she said I should mention it on her PAR. She
 23 was given various options for entering the data,
 24 but refused unless she was given overtime.
 25 After she spoke with Miss Lotts and me she

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1 signed the PAR.

2 Did you refuse to enter the
 3 data --

4 A. No.

5 Q. -- unless you were given overtime?

6 A. No. I told them I wouldn't be
 7 able to do it unless it was doing overtime
 8 because of my workload during the day, that I
 9 didn't have the time, but I never refuse.

10 Q. Okay, you said you couldn't do it
 11 in your regular --

12 A. I wouldn't be able to do it.

13 Q. So did you do it?

14 A. Yeah, I did it.

15 Q. Okay. I want you to look at
 16 Paragraph 18 in your Complaint. Exhibit A
 17 Paragraph 18. You wrote in your Complaint "in
 18 2005 in light of the ongoing problems plaintiff
 19 initiated a job transfer to another position so
 20 that she would be reporting to a different
 21 supervisor. Plaintiff's request for transfer
 22 was never responded to by NJDC."

23 When did you request for a job
 24 transfer?

25 A. When this situation occurred, when

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1 a lot of problems start occurring. I'm not for
 2 sure, but it was, it was within the time frame
 3 of September and -- September '04 and...August
 4 of '05. It was within that time frame.

5 Q. Did you put it in writing, the job
 6 request?

7 A. Oh...I put in one writing to Bruce
 8 Wirkenheiser, I put in a request, hmm...

9 Q. You've worked there for
 10 twenty-plus years.

11 A. Um-hum.

12 Q. Do you see people just when they
 13 ask for a transfer, are they granted it on a
 14 whim? Do they just give it to them?

15 A. Yeah. I've seen it.

16 Q. Who was transferred? Tell me some
 17 examples.

18 A. All throughout the years I've seen
 19 people transferred, I don't know. Can't recall.
 20 Names and times and dates.

21 Q. Okay.

22 A. I just know it -- you know.

23 Q. Did you sign up for civil service
 24 exams to, you know, maybe go to a different
 25 position?

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1 A. Uh, I don't -- maybe, I think I
 2 have, yes, throughout my years.
 3 Q. Isn't it true, though, in March of
 4 2005 basically the day of -- or the day after
 5 you couldn't go to the meeting, right, because
 6 you had a doctor's appointment you took an
 7 extended leave of absence?
 8 A. Yes.
 9 Q. So were you...so did you ask for a
 10 transfer while you were out on leave of absence?
 11 A. No, I don't think so. I, I think
 12 I just aksed sic for Carole Wolke not to be my
 13 supervisor. That I don't have to report to her.
 14 Q. But isn't it true at that time
 15 that in 2005 Mike Buongiorno was your immediate
 16 supervisor?
 17 A. But she was his supervisor and she
 18 still was supervising me indirectly.
 19 Q. Okay, but isn't it her job duty to
 20 supervise Mike Buongiorno?
 21 A. But she was questioning Mike
 22 getting him to harass me about little...things.
 23 Q. You gotta answer my question.
 24 MR. YI: Can you read back the
 25 question?

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1 (Whereupon, the pending question is
 2 read back by the reporter.)
 3 A. Yes.
 4 Q. Okay. So you're saying by her
 5 supervising Mike that was harassing you?
 6 A. No. She was getting him to harass
 7 me in a sense.
 8 Q. So now you're saying Mike
 9 Buongiorno racially harassed you?
 10 A. Not intentionally. He didn't know
 11 what was going on.
 12 Q. I'm not concerned about
 13 intentionally or unintentionally. Are you now
 14 alleging that --
 15 A. No, no.
 16 Q. So what did he do to harass you,
 17 then?
 18 A. Um, he said that all the data work
 19 that I put in had to be -- I had to report to
 20 him and let him know how much data work that I'm
 21 putting in, um...
 22 Q. And you consider that harassment?
 23 A. Yeah, because I never had to do
 24 that before so it's a lot of little things that
 25 were happening that just wasn't happening

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1 before.
 2 Q. So when your supervisor told you
 3 to do certain things, you construed that to be a
 4 harassing --
 5 A. No, yeah, because it wasn't
 6 happening before, it was little tiny things, you
 7 know, a lot of little small things that are
 8 going on.
 9 Q. So what --
 10 A. I can't remember specifically all
 11 the little things, but it was just a lot of
 12 little things that were making me uncomfortable
 13 there, that I knew Carole was behind.
 14 Q. And how do you know that she
 15 specifically ordered him?
 16 A. Well, when I ask him he say I
 17 have, I have a job to do, too, does it really
 18 matter.
 19 Q. Did he tell you specifically that
 20 Carole's order made to harass you?
 21 A. He's not gonna say that.
 22 Q. Yes or no.
 23 A. No.
 24 Q. I'm going to show you -- this is
 25 going to be very quick -- twenty-one or what's

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1 going to be marked as 21.
 2 (Whereupon, Exhibit 21 is marked for
 3 identification.)
 4 Q. This is just the leave of absence
 5 form and I just want to confirm that these dates
 6 you were on leave. On this document, is it true
 7 that from July of 2007 until the date of your
 8 retirement, September 1st, 2007, you were on
 9 leave without pay?
 10 A. Yes.
 11 Q. And that was for personal reasons.
 12 A. Yes.
 13 Q. Did you have any income coming in
 14 to the house when you were on that leave?
 15 A. Mm, no.
 16 Q. How did you pay for your rent, any
 17 daily amenities that you needed?
 18 A. I have a savings.
 19 Q. Okay. I want to show you what's
 20 going to be marked as Exhibit 22.
 21 (Whereupon, Exhibit 22 is marked for
 22 identification.)
 23 Q. And this is another leave of
 24 absence form stating that you were out without
 25 pay April 17th, 2007 to May 1, '07; is that

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1 correct?
 2 A. Yes.
 3 Q. Okay. And at that time were you
 4 caring for your mother? In North Carolina?
 5 A. Yes.
 6 Q. Okay. I want to show you what's
 7 going to be marked as Exhibit 23.
 8 (Whereupon, Exhibit 23 is marked for
 9 identification.)
 10 Q. This is another leave of absence
 11 form indicating that from November of 2006 until
 12 January of 2007 you were out without pay,
 13 personal illness. Does that sound right?
 14 A. Uh, yes.
 15 Q. Okay. And at that time you
 16 weren't being supervised by Carole Wolke, were
 17 you?
 18 A. I don't recall.
 19 Q. I want to show you what's going to
 20 be marked as Exhibit 24.
 21 (Whereupon, Exhibit 24 is marked for
 22 identification.)
 23 Q. This is another leave of absence
 24 form stating that you were on leave without pay
 25 from July of 2005 all the way up to January 6,

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1 2006? Does that sound right? On personal
 2 illness?
 3 A. Yes.
 4 Q. Okay.
 5 A. This is all stemming -- my
 6 personal illness was stemming, though, from
 7 my...harassment from Carole Wolke during that
 8 time.
 9 Q. Except for the times that you were
 10 caring for your mother?
 11 A. Except for the times that I was
 12 caring for my mother, yeah.
 13 Q. I want to show you what's been
 14 marked or is going to be marked Exhibit 25.
 15 (Whereupon, Exhibit 25 is marked for
 16 identification.)
 17 Q. Just to kind of give you a
 18 heads-up, the next four or five these are the
 19 same kind of documents, I just want you to
 20 confirm or deny whether these dates are true.
 21 So this is a form, leave of
 22 absence form, again, you were without pay on
 23 personal illness leave from September 6, '05
 24 until November of 2005. Does that sound about
 25 right?

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1 A. I don't know, somewhere up in here
 2 I had surgery, I can't remember exactly, it's --
 3 Q. What kind of surgery did you have?
 4 A. Uh, personal surgery.
 5 Q. Okay, what kind of surgery was
 6 that?
 7 A. Female surgery.
 8 Q. And was that because of Carole
 9 Wolke that you had to have surgery?
 10 A. No.
 11 Q. And when would -- when was that
 12 surgery?
 13 A. That might have been in November,
 14 uh, it just seem like it -- it was around
 15 November and I came back to work in January, so
 16 I don't...
 17 Q. Okay.
 18 A. I'm trying to...
 19 Q. I want to show you what's going to
 20 be marked --
 21 A. Yeah, it was this one, November
 22 1st.
 23 MR. YI: Okay, twenty-six.
 24 (Whereupon, Exhibit 26 is marked for
 25 identification.)

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1 Q. This is a leave of absence showing
 2 that you were out without pay from March 5th,
 3 2005 until May 31st, 2005.
 4 A. Um-hum.
 5 Q. Sound correct?
 6 A. Yes.
 7 Q. And March 5th was the day that
 8 Lotts wanted you to meet with her and Carole
 9 Wolke.
 10 A. Yes.
 11 Q. Okay. I'm going to show you
 12 what's going to be marked...as 28.
 13 (Whereupon, Exhibit 28 is marked for
 14 identification.)
 15 Q. This is a form that you filled out
 16 on November 4th, 2005 and you said you were
 17 suffering under temporary depression?
 18 A. Um-hum.
 19 Q. And what was that depression
 20 stemming from?
 21 A. Because of everything that had
 22 happened on my job.
 23 Q. At that time was Carole Wolke
 24 supervising you?
 25 A. I don't remember at that time, I

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1 was very confused and things just were outta
 2 control and I really don't remember, um -- I
 3 don't even remember -- I know at some point
 4 she -- they, they stop her from being my
 5 supervisor, but...
 6 Q. Do you recall when that was?
 7 A. Maybe when I came back to work...I
 8 was out from March 'til May. Then I went back
 9 out.
 10 Q. Isn't it true after the red A
 11 incident on Valentine's Day 2005, that was the
 12 last time Wolke was to have any kind of
 13 supervisory contact with you?
 14 A. No.
 15 Q. Okay. But isn't it also true soon
 16 after the March -- I mean, soon after the
 17 Valentine's '05 red A you went out on an
 18 extended leave? Of absence.
 19 A. March. I think it was in March I
 20 went out. To, to June, I think, I'm not for
 21 sure.
 22 Q. Okay.
 23 A. I'm not really sure about the
 24 dates.
 25 Q. So are you saying that when you

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1 were on leave at home, Wolke was still harassing
 2 you?
 3 A. No, I was just sick from the whole
 4 thing, what had happened, I just got sick.
 5 Q. Okay. And I want to show you
 6 what's marked as Exhibit 30.
 7 (Whereupon, Exhibit 30 is marked for
 8 identification.)
 9 A. I was sick from the lies and
 10 everything that was happening.
 11 Q. And was this an intermittent FMLA
 12 approval so that you could use it to take care
 13 of your son? October 30th, '03 up until April
 14 30th.
 15 A. Yes.
 16 Q. And what was that issue for?
 17 A. What issue?
 18 Q. What was the reason that you
 19 needed to take care of your son?
 20 A. He was in a motorcycle accident.
 21 Q. Did that cause you grief when he
 22 got hurt?
 23 A. Well, that was in '98 when it
 24 happened, it left him disabled.
 25 Q. Okay.

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1 A. And neurological problems, so...
 2 Q. So you have no stress resulting
 3 from taking care of someone who's disabled?
 4 A. Well, he's not totally disabled,
 5 he just needed to get to the doctor and -- I
 6 mean...he had neurological disability, but he's
 7 not total where he had to...
 8 Q. Okay. I'm going to show you what
 9 I'm going to mark as Exhibit 4.
 10 (Whereupon, Exhibit 4 is marked for
 11 identification.)
 12 Q. Let me know when you're ready,
 13 ma'am.
 14 A. I'm ready.
 15 Q. Okay. This is a workplace
 16 violence report summary from Marcia Parchment
 17 and if you look at Atkinson page EEO 225, it
 18 says the date of the report is April 8, 2005; is
 19 that correct?
 20 A. Where am I looking?
 21 Q. The last page of this exhibit.
 22 A. Oh.
 23 Q. The date of that report is April
 24 8th, 2005.
 25 A. Yes.

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1 Q. And at that time you were on leave
 2 of absence, correct?
 3 A. Yes.
 4 Q. Okay. So -- all right, I want you
 5 to look at -- it says "a brief summary of
 6 incident." And Marcia Parchment writes "the
 7 documents in question are three memos dated
 8 September 30th, 2004, December 1, 2004 and
 9 February 27, 2005. Miss Atkinson's unjust
 10 treatment from Miss Wolke as it relates to her
 11 performance evaluation, obvious favoritism,
 12 being threatened and harassed in the presence of
 13 others and being unfairly disciplined for a red
 14 A day based on miscommunication."
 15 Does that summarize the
 16 allegations that you had against Miss Wolke that
 17 you wanted NJDC to correct?
 18 A. Yes.
 19 Q. Okay. And at the bottom it
 20 says -- towards the bottom, it says "Mrs. Lotts
 21 also indicated that she offered Miss Atkinson
 22 the opportunity to transfer to another area on
 23 campus if she was so unhappy with her current
 24 work situation."
 25 What happened? Did she ever offer

<p style="text-align: right;">Page 202</p> <p>1 you the transfer?</p> <p>2 A. I don't recall her offering me.</p> <p>3 Q. So you think Miss Lotts was making</p> <p>4 this up?</p> <p>5 A. I don't know what she was doing,</p> <p>6 but I don't recall her offering me.</p> <p>7 Q. Did she ever say you can just --</p> <p>8 we can get you out of this work situation to</p> <p>9 another place?</p> <p>10 A. She never gave me anything in</p> <p>11 writing and I don't recall her saying it to me.</p> <p>12 Q. Okay. And it continues towards</p> <p>13 the very bottom of the page. "Miss Lotts</p> <p>14 indicated that she was involved in the last</p> <p>15 incident which was brought to her attention as a</p> <p>16 red A day due to Miss Atkinson's late call which</p> <p>17 is currently in dispute. She attempted to</p> <p>18 follow through on this issue by serving Miss</p> <p>19 Atkinson with a written warning. Mrs. Lotts</p> <p>20 reports that she was then advised to remove this</p> <p>21 from Miss Atkinson's records due to some of the</p> <p>22 confusion around communication and approved time</p> <p>23 off."</p> <p>24 Do you dispute that Miss Lotts</p> <p>25 wanted to get that red A on your record?</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Do you dispute that they -- Miss</p> <p>2 Parchment made an intervention request that you</p> <p>3 two be separated?</p> <p>4 A. She did. According to this --</p> <p>5 Q. I can read the document. "In</p> <p>6 effort to ensure that both parties" --</p> <p>7 A. But I wasn't involved in this, I</p> <p>8 wasn't there, so --</p> <p>9 Q. I'm not asking if you were</p> <p>10 involved. I'm asking if Miss Parchment as the</p> <p>11 workplace violence coordinator made this --</p> <p>12 A. This was long after the fact, this</p> <p>13 was long after my injuries and everything, after</p> <p>14 I suffered terrible headaches and after my blood</p> <p>15 pressure, yes, they all tried to do things after</p> <p>16 the fact. I agree, I never disputed that nobody</p> <p>17 tried to do anything.</p> <p>18 Q. Right.</p> <p>19 A. But it was, it was like long</p> <p>20 after.</p> <p>21 Q. Okay.</p> <p>22 A. Everything.</p> <p>23 Q. And if you look at page</p> <p>24 twenty-five, recommendations, "Miss Wolke should</p> <p>25 be referred to EAS, Miss Wolke would benefit</p>
<p style="text-align: right;">Page 203</p> <p>1 A. Could you rephrase the question?</p> <p>2 Q. Do you dispute this report which</p> <p>3 says Miss Lotts -- I'm going to read it again,</p> <p>4 "attempted to follow through on this issue by</p> <p>5 serving Miss Atkinson with a written warning."</p> <p>6 Do you dispute that?</p> <p>7 A. That she tried to give me a red A?</p> <p>8 No.</p> <p>9 Q. Okay. And I want you to look at</p> <p>10 the last page, twenty-five. Well, actually,</p> <p>11 look at twenty-four again. It says</p> <p>12 "interventions taken." "In effort to ensure</p> <p>13 that both parties are separated was not</p> <p>14 necessary due to Miss Atkinson's sick leave.</p> <p>15 Wasn't that correct, that you were</p> <p>16 on sick leave so how can you separate somebody</p> <p>17 when they're not even at work; is that correct?</p> <p>18 A. If you say so.</p> <p>19 Q. No, I'm asking you. Were you on</p> <p>20 sick leave?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So there was no way to</p> <p>23 technically separate you when you're not even at</p> <p>24 work.</p> <p>25 A. If you say so.</p>	<p style="text-align: right;">Page 205</p> <p>1 from additional supervisory training on PAR, PEZ</p> <p>2 conference review."</p> <p>3 So do you agree that they</p> <p>4 recommended that had Miss Wolke be kind of</p> <p>5 trained on these issues?</p> <p>6 A. Yeah, after she harassed me and</p> <p>7 almost ran me crazy.</p> <p>8 Q. You dispute that they made these</p> <p>9 recommendations?</p> <p>10 A. After the fact. They made the</p> <p>11 recommendations.</p> <p>12 Q. I don't think you're understanding</p> <p>13 my questions. Did they ever make a</p> <p>14 recommendation that Miss Wolke be trained, go to</p> <p>15 EAS, get trained on PAR, PEZ conference review?</p> <p>16 A. Yes, after my damage, after my</p> <p>17 emotional trauma.</p> <p>18 Q. Okay.</p> <p>19 A. They did all these things. But</p> <p>20 nobody did anything when I was begging for help</p> <p>21 long before I had emotional trauma.</p> <p>22 Q. I want you to look at...what I'm</p> <p>23 going to mark as 38.</p> <p>24 (Whereupon, Exhibit 38 is marked</p> <p>25 for identification.)</p>

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1 Q. Tell me when you're ready.
 2 A. I'm ready.
 3 Q. Do you recall receiving this
 4 letter from the DHS basically saying they did an
 5 investigation and based upon that investigation,
 6 and I'm going to read from it towards the
 7 bottom, "based on the results of the
 8 investigation, it cannot be substantiated that
 9 Carole Wolke violated the New Jersey State
 10 policy prohibiting discrimination, harassment or
 11 hostile environments in the workplace. However,
 12 the appropriate administrative and/or
 13 disciplinary action will be taken regarding the
 14 inappropriate remark made by Miss Wolke to you."
 15 Do you remember receiving this?
 16 A. Yes.
 17 Q. And did you file your initial DHS
 18 discrimination complaint in March 29, 2005?
 19 A. I don't exactly recall the date.
 20 Q. Did you file that report while you
 21 were on sick leave?
 22 A. Did I file this report?
 23 Q. The DHS complaint. If that date
 24 is correct, weren't you on sick leave?
 25 A. This date right here?

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1 Q. Right, March 2005. That's when
 2 they say they received your complaint. Does
 3 that sound like the right date for you?
 4 A. It probably is, but I just can't
 5 really recall.
 6 Q. But you were, you were on sick
 7 leave at that point, right? Since March the
 8 5th --
 9 A. Well, I have to refer to some of
 10 my paperwork.
 11 Q. Okay.
 12 A. I just can't refer from the top of
 13 my head.
 14 Q. We just went over the leaves of
 15 absence and you agreed that Exhibit 26, if you
 16 want to look at it, you were on leave from March
 17 5th, 2005 to May 31st, 2005. Correct?
 18 A. Yes.
 19 Q. So you were on sick leave when you
 20 filed your complaint. Correct?
 21 A. My original complaint?
 22 Q. Your complaint dated March 29,
 23 2005 was filed while you were on sick leave.
 24 A. Yes.
 25 Q. Okay, that's all I'm -- there's no

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1 trick question.
 2 A. No, I don't under -- I don't
 3 understand which one you say I file. We reading
 4 this one, but it seems like you talking about
 5 another one.
 6 Q. No.
 7 A. Not this right here.
 8 Q. Did you file an appeal of that?
 9 A. This is a appeal, I think
 10 (indicating).
 11 Q. Okay, so you did appeal because
 12 you didn't agree with their finding that --
 13 A. Right, yes.
 14 Q. Okay, I'm going to show you what's
 15 going to be marked as Exhibit 39.
 16 (Whereupon, Exhibit 39 is marked
 17 for identification.)
 18 Q. And let me know when you're ready.
 19 A. I'm ready.
 20 Q. So you filed an appeal because you
 21 disagreed with their decision that they found
 22 no --
 23 A. Yes.
 24 Q. Okay. So this is April 11th,
 25 2007, so your appeal to the merit system board

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1 was denied. Do you remember getting informed
 2 about that?
 3 A. Yes.
 4 Q. Okay. And the merit system denied
 5 it because it said it could not find a violation
 6 of the State policy prohibiting discrimination,
 7 harassment or hostile environments in the
 8 workplace. However, in rendering their final
 9 decision, the MSB also ordered that Miss
 10 Atkinson and Miss Wolke be rescheduled for
 11 training in conflict management and/or dealing
 12 with difficult people."
 13 Were you out on sick leave...in
 14 April of 2007? When you received notice that
 15 your merit system board appeal was denied.
 16 A. April of 2007?
 17 Q. Seven.
 18 All right, let me strike that
 19 question. Did you ever go to the training for
 20 conflict management.
 21 A. No.
 22 Q. Okay. But you...this letter says,
 23 though, "Miss Wolke is to be scheduled for
 24 training for conflict management," correct?
 25 Exhibit Number 39.

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1 A. I don't think I ever got this
2 letter. I never received this letter.
3 Q. Right, it's not addressed to you,
4 but I'm saying --
5 A. Right.
6 Q. -- the letter says Miss Wolke
7 was --
8 A. This was a different letter, I
9 never knew about that.
10 Q. But it says that Miss Wolke is
11 supposed to be trained for conflict management
12 and/or dealing with difficult people. Is that
13 what the letter says?
14 A. Yes.
15 Q. Okay. Did you file an EEOC
16 complaint?
17 A. Yes.
18 Q. Okay. And what happened to that
19 complaint? What was the result of it?
20 A. I can't recall. I just, um...it
21 was an investigation.
22 Q. Okay.
23 A. Done.
24 Q. All right, let me just show you
25 what's going to be marked Exhibit 40.

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1 (Whereupon, Exhibit 40 is marked
2 for identification.)
3 Q. Let me know when you're ready.
4 A. I'm ready.
5 Q. Is this a dismissal of your EEOC
6 complaint?
7 A. Yeah, the closing on the --
8 closing, the EEO was closing its file on this
9 charge for the following reasons.
10 Q. And it says "based upon its
11 investigation, the EEOC is unable to conclude
12 that the information obtained establishes
13 violations of the statutes."
14 A. Um-hum.
15 Q. So you filed an EEOC complaint,
16 but that was dismissed, correct?
17 A. Yes, it also says this does not
18 certify that the respondent is in compliance
19 with the statute.
20 Q. Okay.
21 A. It also says that, too.
22 Q. I want to take you back to the
23 Complaint, Exhibit A. Paragraph 25 of your
24 Complaint that you filed in Federal Court
25 (showing), Exhibit A...yeah, that one.

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1 A. Paragraph what?
2 Q. Twenty-five. Okay, let's actually
3 start from the end of 24. "Plaintiff asserts
4 that the wrongful action of defendants caused
5 plaintiff to be out of work from March 2005
6 through June 1st, 2005. Thereafter, plaintiff
7 returned to work on June 1st, 2005 and remained
8 employed by NJDC until September 1st, 2007.
9 Plaintiff contends that upon her return to work
10 on June 1st, 2005 and until she ended her
11 employment on September 1st, 2007 all of her job
12 duties, responsibilities were taken away from
13 her."
14 Which job duties -- you said all
15 of them were taken away from you. Tell me which
16 ones were taken.
17 A. All of them. I was only allowed
18 to do data, except entering data.
19 Q. Okay, but wasn't that a
20 responsibility you had to do before?
21 A. Yeah, that was a small part of it.
22 Q. So is it accurate, therefore, to
23 say that everything was taken away from you?
24 A. Yes, everything was taken away
25 from me because the -- when I returned

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1 everything in the computer, there was no data
2 sheet at all in the computer, everything had
3 been wiped out and now it was being given to me.
4 I don't know if that was part of
5 their conspiracy to annoy me, harass me or
6 continue to keep me in emotional trauma, but
7 everything was -- nothing was in the computer,
8 there was no data or information on the clients
9 at all in the...in the computer.
10 Q. And weren't you out for two months
11 approximately from March 'til June?
12 A. Yes.
13 Q. And was it your anticipation that
14 no one should be doing your duties --
15 A. No.
16 Q. -- when you were gone?
17 A. No, no. Because people go out on
18 leave all the time.
19 Q. Okay.
20 A. Maternity leaves and somebody's
21 given a job and when you come back you get your
22 job back. That was always happen. It didn't
23 happen with me, but that's usually what happens.
24 Q. So let me understand this. We
25 went through some of your complaints where you

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1 indicated that you had too much work that you
2 needed overtime to do it, so now when you come
3 back from your two-month leave you're
4 complaining you have nothing to do?

5 A. I had nothing -- none of my job
6 duties, none of my job duties, the only job duty
7 I had was somebody wiped out all the data
8 information on the clients in the computer,
9 which I believe was a conspiracy, and wanted me
10 to do that.

11 Q. Okay. Who wiped out the data?

12 A. I have no idea. They don't know,
13 I asked Roxanne, I --

14 Q. Are you saying it's Wolke who did
15 it?

16 A. Could be, I don't know.

17 Q. Do you have any factual basis for
18 that?

19 A. No, that's why I said it could be,
20 I don't know.

21 Q. Okay. Were you getting paid the
22 same salary when you came back?

23 A. Yes.

24 Q. But you were doing only one thing
25 now instead of all the other things you had to

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1 do before.

2 A. Yes.

3 Q. And you were able to do that
4 within a 35-hour work week.

5 A. Yes.

6 Q. All right, I'm going to show you
7 what's going to be marked as Exhibit 31.

8 (Whereupon, Exhibit 31 is marked for
9 identification.)

10 MR. YI: And just to kind of give
11 you a road map, we're about a half an hour
12 away from finishing, so just letting you
13 guys know.

14 Q. Tell me when you're ready.

15 A. I'm ready.

16 Q. June 17th, 2005, that was after
17 you came back from your leave, correct?

18 A. Yes.

19 Q. And this is the letter that you
20 wrote to Miss Lotts?

21 A. Yes.

22 Q. Because you were saying somebody's
23 taking all my job responsibilities. That sound
24 about right?

25 A. Yes.

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1 Q. And in this letter you write "I
2 returned to work off of a leave of absent on
3 June 1st, 2005. Upon my return, I did not
4 receive my job duties back which I'm not sure
5 what this is all about, but I don't have a
6 problem with that simply because my job duties
7 were overwhelming and before I resume them back,
8 I would like my job duties to be reevaluated to
9 lighten the load on me."

10 Were you complaining to her that
11 your job duty was taken when you were also
12 saying that you felt --

13 A. Only after they did my PAR. That
14 was the only time I had a complaint. When -- I
15 figure if I'm gonna do all this work and you're
16 gonna allow someone to, um, unjustly score me,
17 then you know what, then I need to make a
18 complaint about being overwhelmed and, yes, it
19 was overwhelming, it was a lot of work, but I
20 had no complaint all the years that I was there
21 doing it until they -- Carole was allowed to
22 mess with my PAR rating and --

23 Q. Well, you testified that the PAR
24 rating was changed to twenty-seven.

25 A. Yeah, it was changed back.

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1 Q. And you were --

2 A. But there were a number of other
3 issues started coming up, you know, a lot of,
4 um, nitpicking became a part of, um, her
5 daily...

6 Q. And you wrote in this letter "but
7 I don't have a problem with that." The fact
8 that they took your job duties. And you
9 actually said to "lighten the load on me, I
10 would like my job duties to be reevaluated" --

11 A. Lighter, yes.

12 Q. So let me just understand this.
13 You complained that your job responsibilities
14 are taken...

15 A. Um-hum.

16 Q. But then in this June 17th letter
17 you say that you're fine with that.

18 A. I'm okay with it.

19 Q. Okay.

20 A. But I'd like them to be
21 reevaluated because of all the complaints
22 they're making now about me not doing the data,
23 me not doing things, so let's just sit down and
24 let's just reevaluate my whole work and find
25 out. What's overwhelming me, what's not, you

<p style="text-align: right;">Page 218</p> <p>1 know.</p> <p>2 Q. Okay. Isn't it true -- we went</p> <p>3 over all the leaves of absence that you had --</p> <p>4 from the period of March 2005 to September 2007</p> <p>5 you only worked sixteen out of the thirty</p> <p>6 months?</p> <p>7 A. Probably.</p> <p>8 Q. Okay. So was it your expectation</p> <p>9 that when you were gone that nothing should be</p> <p>10 touched that you were working on.</p> <p>11 A. That's not true.</p> <p>12 Q. Okay.</p> <p>13 A. No.</p> <p>14 Q. I want to show you what I'm going</p> <p>15 to mark as 36.</p> <p>16 (Whereupon, Exhibit 36 is marked</p> <p>17 for identification.)</p> <p>18 Q. You tell me when you're ready.</p> <p>19 A. I'm ready.</p> <p>20 Q. This is a meeting summary and you</p> <p>21 had a meeting with Bruce Wirkheiser, Bernice</p> <p>22 Davis, Marcia Parchment, Gary Engle, yourself,</p> <p>23 Teresa Wellington and Mike Buongiorno and</p> <p>24 Roxanne Lotts; is that correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 was on leave of absence the work had to be done</p> <p>2 because this is a business."</p> <p>3 You agree with that, right?</p> <p>4 A. I agree.</p> <p>5 Q. Okay. "Roxanne reiterated that</p> <p>6 she has Katia to coordinate the trips because of</p> <p>7 the leave of absence."</p> <p>8 Do you agree with that?</p> <p>9 A. I agree.</p> <p>10 Q. Okay. And then at the bottom of</p> <p>11 that, it says "Phyllis returned to work on</p> <p>12 Wednesday, June 1st, 2005. On Friday, June 3rd,</p> <p>13 2005 Roxanne left Phyllis a voice message</p> <p>14 stating that she would not be doing the medical</p> <p>15 trips until further notice, but that Roxanne</p> <p>16 wanted her to focus on the data sheets because</p> <p>17 there had been a pending need for the sheets to</p> <p>18 be updated into the computer. Phyllis's</p> <p>19 previous complaints were of overwhelming</p> <p>20 workloads and this is Roxanne's rationale for</p> <p>21 her decision."</p> <p>22 A. Hum.</p> <p>23 Q. So isn't it true that Roxanne made</p> <p>24 that decision that you should be doing data</p> <p>25 sheets?</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. And that was after the letter you</p> <p>2 wrote to Roxanne saying, hey, let's figure out</p> <p>3 what's my job duties, correct?</p> <p>4 A. Um-hum.</p> <p>5 Q. Did you tell those people that you</p> <p>6 felt Carole Wolke had mental issues?</p> <p>7 A. No.</p> <p>8 Q. Can you read the first sentence of</p> <p>9 this memorandum?</p> <p>10 A. I remember telling Roxanne that, I</p> <p>11 don't remember telling all these people,</p> <p>12 maybe -- maybe it was said in the meeting,</p> <p>13 but...</p> <p>14 Q. So you told at least Roxanne that</p> <p>15 you --</p> <p>16 A. I know I say it to Roxanne. I</p> <p>17 know I wrote a letter, I think, stating it to</p> <p>18 Roxanne, I don't remember saying it in the</p> <p>19 meeting. It's positively I did and...</p> <p>20 Q. Can you --</p> <p>21 A. I don't recall.</p> <p>22 Q. -- go to page thirty-four in a</p> <p>23 section that says "the job duties."</p> <p>24 A. Okay.</p> <p>25 Q. "Roxanne stated that while Phyllis</p>	<p style="text-align: right;">Page 221</p> <p>1 A. I don't know, because it was</p> <p>2 rumors that my job was gonna be taken away while</p> <p>3 I was out, I heard rumors that Carole was gonna</p> <p>4 fix it where I wouldn't be able to get my job</p> <p>5 back, and then when I got back I even wrote</p> <p>6 Roxanne and told her that before this even</p> <p>7 happened, so...</p> <p>8 Q. Okay.</p> <p>9 A. I don't know, maybe she was a part</p> <p>10 of it, I don't know. Maybe from what Carole --</p> <p>11 Q. So you --</p> <p>12 A. -- was telling her, I'm just</p> <p>13 thinking all of Roxanne actions is based on what</p> <p>14 her response was from what Carole Wolke was</p> <p>15 telling her.</p> <p>16 Q. Okay. But you don't recall</p> <p>17 Roxanne telling you 'I want you to focus on data</p> <p>18 sheets' because previously you told me you said</p> <p>19 the work was overwhelming?</p> <p>20 A. Yeah, but that was way back in '04</p> <p>21 when I was telling her that. Now '05 after I'm</p> <p>22 being harassed and beaten up, now everybody want</p> <p>23 to do something about it.</p> <p>24 Q. You were beaten up? Physically?</p> <p>25 A. Well, emotionally, not physically</p>

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1 beaten up. But emotionally I was beaten up and
2 now everybody want to do something now, I feel
3 like I'm being -- I'm, I'm -- I feel like a dog
4 that's down and being kicked while I'm down.

5 Q. I want you to look at that
6 document 31, the previous document that we
7 entered as an exhibit. This is a letter that
8 you wrote June 17, 2005 to Miss Lotts that's
9 about fifteen days after you returned back from
10 your leave of absence. Can you turn to the
11 second page? Right above your signature.

12 A. Um-hum.

13 Q. You say "I have zero tolerance for
14 Miss Wolke unprofessional, nitpicking behavior.
15 Her ways are foolish and childish. She has no
16 intent on ceasing this behavior. She reminds me
17 of a poison snake. The only way that you can
18 stop a snake from biting you is to kill it."

19 Did you feel that that was an
20 appropriate statement to be making about a
21 fellow coworker?

22 A. Well, I was making it in
23 reference -- I was using it as an analogy
24 because a snake will not stop unless you kill
25 it. You're not gonna get a snake to sit down,

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1 you're not gonna say leave me alone and it's
2 gonna stop.

3 Q. Okay.

4 A. And I was saying to them if you's
5 don't reprimand Carole, because it follows right
6 after, if you don't take that, if you continue
7 the whole context of the letter you will say and
8 until Miss Wolke, which is a human being, is
9 reprimanded, not killed, but is reprimanded to
10 the fullest extent of the law, her behavior will
11 continue on this way.

12 Q. So if Miss Wolke had written a
13 letter and said that you reminded her of a
14 poisonous snake and that the only way to stop it
15 is to kill it --

16 A. The character, the character.
17 Very underhanded and conniving and deceptional.

18 Q. Well, let me ask you this
19 question. Is it appropriate to use the word
20 'kill it' --

21 A. Well, I --

22 Q. -- when -- wait, let me finish my
23 question.

24 -- when describing a coworker.

25 Let alone your supervisor.

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1 A. I didn't find it inappropriate
2 because I was only using it as an analogy, I
3 wasn't using it to actually mean physical harm
4 to her, I was just using the characteristic of a
5 snake and you can't stop a snake any other kind
6 of way.

7 Q. Isn't it true that you were
8 investigated based upon this comment?

9 A. Yes.

10 Q. And that was by the workplace
11 violence coordinator?

12 A. Yes.

13 Q. Marcia Parchment?

14 A. Yes.

15 Q. I want you to look at what's going
16 to be marked Exhibit 32.

17 (Whereupon, Exhibit 32 is marked
18 for identification.)

19 Q. Let me know when you're ready.

20 A. I'm ready.

21 Q. This is a statement July 15th,
22 2005 by Marcia Parchment.

23 A. Um-hum.

24 Q. Okay. And the section that says
25 "brief summary of incident," it says "Miss

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1 Atkinson goes on to make a statement in her memo
2 that can be perceived as a threat." And then you
3 go back down to the summary of statements and
4 interview section. It says "Miss Wolke goes on
5 to say that she is fearful of some kind of
6 physical harm based on the content of this memo
7 and the previous outstanding complaint. Miss
8 Wolke indicated that since Miss Atkinson's
9 return from her sick leave on June 1st, 2005 she
10 has had no contact with Miss Atkinson."

11 And at the bottom, it says "Miss
12 Roxanne Lotts was notified to make an
13 arrangement for a temporary work site for Miss
14 Atkinson that would be outside of the HCC."

15 Did you get an office that was
16 temporarily outside of the HCC after the
17 incident?

18 A. No.

19 Q. Did you take into consideration
20 Miss Wolke's possible feelings when you wrote
21 the letter saying kill it?

22 A. I didn't write the letter to Miss
23 Wolke. I wrote the letter to Miss Lotts.

24 Q. Okay. I want you to turn to the
25 second page. It says, right before the bullet

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1 points, "Miss Atkinson agreed to the following,
 2 temporary reassignment to the office of MIS."
 3 Did that happen?
 4 A. No.
 5 Q. Miss Roxanne Lotts, Director of
 6 Nursing, would be her immediate supervisor. Did
 7 that happen?
 8 A. No.
 9 Q. Who was your immediate supervisor?
 10 A. I went on a leave, I wasn't even
 11 here. After this, after this confusion, after
 12 they twisted this, I think I went right --
 13 Q. Okay.
 14 A. I went on vacation, I went on -- I
 15 had a vacation. Right after that when I came
 16 back and that was when I went on vacation. For
 17 that period and when I, um, came back from
 18 vacation, if I'm recalling the dates right, I
 19 went on a leave because I was sick again because
 20 of how they tried to twist...this story about
 21 when it was just used as an analogy and I was
 22 just using the characteristic --
 23 Q. But you don't deny using the word
 24 'kill it' --
 25 A. No, I don't deny it at all, I --

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1 Q. Isn't it true we went over your
 2 leaves of absence, you can look at Exhibit 24 if
 3 you want, that you went out on leave from July
 4 20th, 2005 to January 6, 2006?
 5 A. Um-hum.
 6 Q. So you had no contact with Wolke,
 7 right?
 8 A. From July of 2000 --
 9 Q. When you were on a leave did you
 10 have contact --
 11 A. No.
 12 Q. Okay.
 13 A. I was sick from what she had did
 14 to me and all the lies that had been told, trust
 15 me when I tell you.
 16 Q. I want you to look at what's going
 17 to be marked as Exhibit 33.
 18 (Whereupon, Exhibit 33 is marked
 19 for identification.)
 20 A. Every threat she made --
 21 Q. I'm sorry, there's no question
 22 pending.
 23 A. Oh, okay.
 24 Q. Take a look at the document and
 25 let me know when you're ready.

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1 A. Yeah, I'm ready.
 2 Q. Okay, is this a letter that you
 3 sent -- who did you send this letter to?
 4 A. I think it was for, um, to, um,
 5 I'm not for sure, I think it could have been
 6 through Marcia Parchment.
 7 Q. Did you look at page 202, the very
 8 last page of that exhibit? It says "this letter
 9 is carbon-copied to Ed McCabe, Federal Office of
 10 EEO, Commissioner Davey of Department of Human
 11 Services, Teresa C. Wilson, Deputy commission
 12 Governor's office, Mr. Wirkheiser CEO, Miss
 13 Parchment, Miss Evans, Union, Mr. G. Engle, ERO,
 14 and Miss Lotts.
 15 So you sent a copy of this letter
 16 to all these individuals?
 17 A. I could have; I don't recall.
 18 Q. Okay. But if this document
 19 indicates that you did, you might have sent it
 20 to these people?
 21 A. It's possible.
 22 Q. Why did you send it to so many
 23 people?
 24 A. Because these are the people that
 25 are -- that I was requesting help from. Because

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1 I was being railroaded by Carole taking the
 2 context out of --
 3 Q. But isn't it true that Carole
 4 wasn't investigating you, it was Marcia
 5 Parchment, because she's a workplace violence
 6 coordinator?
 7 A. But she was making the accusation
 8 that, um --
 9 Q. Isn't it true that you made the
 10 letter that said she's like a snake and the only
 11 way to deal with it is to kill it? Didn't you
 12 write that letter?
 13 A. The only way to deal with what?
 14 The only way to deal with Carole? No, I didn't
 15 make the statement the only way to deal with
 16 Carole is to kill it. I said the only way to
 17 deal with Carole is to have her reprimanded.
 18 Q. All right, we can read 31 again.
 19 I want to get the exact words you put. Exhibit
 20 31 at the end, "she reminds me of a poison
 21 snake. The only way that you can stop a snake
 22 from biting you is to kill it."
 23 A. Um-hum.
 24 Q. So you don't deny that you sent
 25 that?

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1 A. No, I don't deny making that and I
2 don't deny that comes right after that and
3 unless Miss Wolke is reprimanded to the fullest
4 extent of the law she will continue with this
5 behavior, that's in an analogy.
6 Q. I'm not concerned with that.
7 A. Yes.
8 Q. And Marcia Parchment, because it's
9 her job to stop workplace violence, conducts an
10 investigation into what you said, correct?
11 A. Right.
12 Q. So are you saying Marcia Parchment
13 was discriminating or harassing you by
14 investigating you for that?
15 A. No. No.
16 Q. Are you -- do you have proof that
17 Carole Wolke initiated this investigation
18 against you?
19 A. Yes.
20 Q. What's the proof?
21 A. The proof is the letter. She made
22 the accusation.
23 Q. You wrote the letter.
24 A. I wrote the letter. She stole the
25 letter out of, um, Miss Lotts', uh, mailbox

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1 that's how --
2 Q. But she --
3 A. That's how she knew the context of
4 the letter, but if the letter was addressed, if
5 the letter was addressed to Miss Wolke, how did
6 Carole get the contents of the letter?
7 Q. You mean Miss Lotts?
8 A. That letter was addressed to Miss
9 Lotts.
10 Q. Right.
11 A. How did the Carole get the
12 contents of what was in the letter?
13 Q. Okay, I want you to look in 32.
14 On July 6, 2005, this writer, this is Marcia
15 Parchment, was informed of the recent memo from
16 Miss Atkinson, "you, "that expressed her
17 discomfort from the way things were being
18 handled. On July 1st, 2005 this writer met with
19 Carole Wolke to discuss her concerns as it
20 relates to the above stated documentation, a
21 memo addressed to Miss Roxanne Lotts."
22 So isn't it true that Miss Lotts
23 gave this to Miss Parchment, the letter? That
24 Miss Lotts gave this letter to Miss Parchment,
25 the workplace violence coordinator?

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1 A. It's possible.
2 Q. Okay. But you still insist that
3 Miss Wolke drove the investigation even though
4 she didn't write the letter and there's no proof
5 she...
6 A. She had to, she had -- she...it
7 is, it is my belief that she had something to do
8 with it because she's stating she's afraid so
9 how does she even know what the context of a
10 letter that wasn't even addressed to her?
11 Q. So it's your contention that --
12 A. Either Roxanne told her what was
13 in the letter or either Miss Parchment told her
14 what was in the letter and I don't see nowhere
15 in any of this paperwork where either one of
16 them told Carole Wolke what was in the letter.
17 Q. So you're saying that because you
18 wrote this letter to Miss Lotts that she had no
19 right to show it to Miss Wolke who was being
20 threatened?
21 A. No, I'm not saying that. No, I'm
22 not saying that.
23 Q. Okay. Look at the exhibit that's
24 in front of you, Exhibit 33.
25 A. Um-hum.

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1 Q. July 21st, 2005 letter.
2 A. Um-hum.
3 Q. You write I would like to say that
4 I regret the choice of words I used in the
5 letter of 6/17/05.
6 A. Um-hum.
7 Q. Why did you regret the choice of
8 words?
9 A. Because the workplace violence,
10 Miss Parchment...representative said it was not
11 an appropriate word to use even though I was
12 using it as an analogy, she said it's not an
13 appropriate word to use.
14 Q. Okay. I want you to look at
15 Atkinson EEO page 199. It's of the same
16 exhibit. Look at the bottom 199.
17 A. Yes.
18 Q. You want to go to that page, 199?
19 A. I'm here.
20 Q. All right, you write in the
21 letter, this is an addendum, right? You were
22 trying to explain what happened in that letter?
23 A. Yes.
24 Q. Where you said the only way to
25 deal with a snake is to kill it.

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1 A. Yeah.

2 Q. You write "Miss Wolke befriended
3 me, as I stated in my original complaint letter,
4 for the sole purpose of harming me. When Miss
5 Wolke brought charges against me she and I were
6 on a communicating and socializing basis as a
7 coworker and friends. She spent several hours a
8 day in my office talking about her boyfriend and
9 her personal matters in her life. Often times I
10 would even console her on some of the problems
11 that she was going through with her friend or
12 boyfriend. I would often spend time with her
13 because I really thought she needed a friend to
14 talk about her boyfriend or friend so because of
15 this relationship that we had I could have never
16 guessed in a million years that she was capable
17 of bringing such a serious action as a red A."

18 Didn't you just testify earlier
19 that you had no relationship with Miss Wolke?

20 A. Just a coworker relationship.

21 Q. But you wrote in this letter that
22 you spent hours with her talking about her
23 boyfriend?

24 A. She spent hours, she spent hours
25 in my office.

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1 (Brief interruption.)

2 Q. All right, so you wrote this
3 letter when you were trying to clarify your
4 snake comment to Miss Lotts, right? So why did
5 you indicate that you spent time with her and
6 you guys talked about her boyfriend and all
7 that?

8 A. This was when...she gave me the
9 Christmas present and between that time I was,
10 like, hoping that everything would, you know,
11 pan itself out, so she would come in the back --
12 I wasn't the only one that she was talking to,
13 she would just come in our office and she would
14 be having a conversation and I would be
15 listening, you know, being part of what the
16 conversation was.

17 Q. So to this date --

18 A. It wasn't like she came to sit
19 next to me.

20 Q. So are you amending your previous
21 statement where you said you had no dealings
22 with her at work?

23 A. Well, when I said no dealings,
24 don't mean -- you can't have no dealings with
25 anyone if you working in...contact with them and

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1 she's the Director of Nursing, indirect...I

2 didn't have no personal relationship with her.

3 Q. So talking about boyfriends, is
4 that considered a job related?

5 A. She talked about her boyfriend to
6 everybody.

7 Q. Okay. And that included you.

8 A. I was in the room when she talked
9 about it.

10 Q. Okay. You mention in your
11 Complaint that you -- actually, it -- strike
12 that.

13 Is it your contention that NJDC
14 didn't do enough to address your concerns?

15 A. After the fact.

16 Q. Okay.

17 A. After I was damage.

18 Q. And you don't deny that on March
19 5th, 2005 Roxanne Lotts wanted to have a meeting
20 between you and Wolke, but you had a previously
21 scheduled doctor's appointment so you couldn't
22 do it.

23 A. No.

24 Q. But you testified that you had a
25 scheduled doctor's appointment, that's why you

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1 couldn't have the meeting.

2 A. Rephrase the question.

3 Q. Do you deny that on March 5th,
4 2005 Roxanne Lotts scheduled a meeting to have
5 you and Wolke meet, but you couldn't do it
6 because you had a doctor's appointment?

7 A. I deny -- do I deny...

8 Q. Yeah.

9 A. Not having a meeting? No.

10 Q. Okay.

11 A. I deny not having a meeting
12 because I had a doctor appointment.

13 Q. So the meeting was scheduled,
14 though.

15 A. The meeting was scheduled, yeah.

16 Q. But because you had something
17 already scheduled.

18 A. But -- scheduled at that time on
19 that day, but it wasn't previously scheduled, it
20 wasn't scheduled a day before or a week before,
21 it was scheduled that morning, that hour, that
22 time.

23 Q. Okay. And do you deny that Marcia
24 Parchment got involved in the process because of
25 the snake comment so she investigated the

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1 matter.
 2 A. Do I deny...no, I don't deny.
 3 Q. Okay. And we read the document by
 4 Marcia Parchment, Exhibit 32, which said you're
 5 supposed to be in a temporary work station, but
 6 you were out on leave, so that didn't happen and
 7 that Lotts was to assume direct supervision of
 8 you.
 9 Do you deny that, too?
 10 A. I don't understand what you
 11 saying.
 12 Q. Do you deny that Marcia Parchment
 13 investigated the workplace violence issue?
 14 A. She did investigate.
 15 Q. Okay. On two occasions.
 16 A. She did investigate.
 17 Q. Okay. I want to show you what's
 18 going to be marked Exhibit 35.
 19 (Whereupon, Exhibit 35 is marked
 20 for identification.)
 21 Q. Is it your assertion that Carole
 22 Wolke was never disciplined or punished for her
 23 actions against you?
 24 A. Okay. Question again?
 25 MR. YI: Can you read back the

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1 question, please?
 2 (Whereupon, the pending question is
 3 read back by the reporter.)
 4 A. I don't know. What happened with
 5 Carole.
 6 Q. Okay, what does this e-mail from
 7 the CEO of NJDC indicate?
 8 A. That's what they're saying, but I
 9 don't -- I didn't know anything about that when
 10 I was working.
 11 Q. So at least they said they were
 12 going to -- quote, I will be advising Miss Lotts
 13 to meet with Gary Engle, action appropriate for
 14 the circumstances.
 15 And that was after the DHS report
 16 came out that said your allegations were
 17 unfounded, however, they found Miss Wolke to
 18 have made an inappropriate statement; is that
 19 right?
 20 A. That was in 2006.
 21 Q. Right. Because you filed your
 22 investigation -- you filed your discrimination
 23 complaint in March of 2005, correct?
 24 A. Yes, and that's --
 25 Q. You didn't file it in October of

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1 2004, correct?
 2 A. No.
 3 Q. You didn't file it in November of
 4 2004.
 5 A. No, I did, informal, though.
 6 Q. I'm not talking about formal. Did
 7 you file it in December of 2004.
 8 A. Informal, yes.
 9 Q. Okay, but you wrote letters to
 10 Roxanne Lotts --
 11 A. And formal complaint --
 12 Q. -- but you didn't write --
 13 A. -- requesting for help.
 14 Q. But you didn't write one to the
 15 investigation -- DHS investigator.
 16 A. No.
 17 Q. But you waited until March of 2005
 18 to do that --
 19 A. Yes.
 20 Q. -- when you went on leave so you
 21 weren't --
 22 A. No.
 23 Q. -- even at work there.
 24 A. No, after she -- after I got sick
 25 from her getting a red A and how they tried to

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1 railroad me, how it seemed like Carole was being
 2 able to railroad me on the job and then I had to
 3 get sick and had to take -- my pressure was
 4 going up too high and I couldn't...stay at work.
 5 Q. So your position today still is no
 6 one took your complaint seriously and
 7 investigated it?
 8 A. Not at the beginning when I
 9 requested. It was only after I made my initial,
 10 formal complaint, after I made my formal
 11 complaint, then things start happening, but --
 12 Q. But you waited until March of '05
 13 to make a formal complaint.
 14 A. Yeah.
 15 Q. Okay.
 16 A. All my informal complaints nothing
 17 happened, but it was after my formal complaint.
 18 Q. I want you to look at Paragraph 27
 19 of your Complaint.
 20 A. Twenty-seven?
 21 Q. Exhibit A, right there
 22 (indicating).
 23 A. Oh. Um-hum.
 24 Q. "As a direct and proximate result
 25 of the defendant's willful, knowing and

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1 intentional discrimination against her, the
2 plaintiff has suffered and will continue to
3 suffer pain and suffering in extreme and severe
4 mental anguish and emotional distress and she
5 has suffer and will continue to suffer a loss of
6 earnings and job opportunities and benefits.
7 Plaintiff is thereby entitled to general and
8 compensatory damages in amounts to be proven at
9 trial."

10 You testified that since your
11 early retirement in September of 2007 your only
12 income is the pension?

13 A. Yes.

14 Q. Have you looked for any other
15 jobs?

16 A. No.

17 Q. Have you --

18 A. I did, but...

19 Q. Okay.

20 A. I did.

21 Q. Continue.

22 A. I did.

23 Q. Okay, what jobs were you looking
24 for?

25 A. What job did I look for?

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1 Q. (Nods in the affirmative).

2 A. Uh, working at a cafeteria in the
3 school.

4 Q. You applied for it and they denied
5 it?

6 A. Yes.

7 Q. And why did they deny it?

8 A. I don't know.

9 Q. Okay. You state that you continue
10 to suffer pain and suffering.

11 A. Um-hum.

12 Q. Describe that for me.

13 A. Well, I get upset a lot when I
14 think about it, what had happened and why it
15 happened.

16 Q. Okay. You also talked about
17 compensatory damages. Did you lose any salary
18 because of the alleged discrimination?

19 A. Yeah, when I had to, uh, be out of
20 work, I didn't get my regular pay. I the didn't
21 get my regular pay, I...I mighta got disability.

22 Q. So when you had to get surgery, is
23 that because of the discrimination and you lost
24 pay because of that?

25 A. No.

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1 Q. And when you had to care for your
2 mother, was it because of the discrimination?

3 A. No.

4 Q. How many sick days do you think
5 you might have taken?

6 A. I don't recall. Total? I don't
7 recall.

8 Q. Did you lose any job benefits as a
9 result of the discrimination that you alleged
10 you suffered?

11 A. Well, I was in, um...I had to pay
12 my insurance when I was out, my medical
13 insurance. I was in, um, deferred comp which
14 was a automatic deduction from my,
15 um...paycheck.

16 Q. Did you lose any seniority?

17 A. I don't think so.

18 Q. So since you were principal clerk
19 typist did you apply for any promotional
20 opportunities? Besides the principal clerk
21 typist position.

22 A. Principal clerk transcriber.

23 Q. Yeah.

24 A. No.

25 Q. Okay. Have you ever been

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1 hospitalized including visits to the emergency
2 room in the past ten years?

3 A. Yes.

4 Q. When?

5 A. Oh, God, I don't recall. For
6 surgery? Just for surgery.

7 Q. Okay. Do you recall if that was
8 mid-2000s or before 2000?

9 A. November...it was one surgery I
10 had during that time, just one that I remember,
11 I don't recall the exact dates of the other. I
12 think it was prior to those.

13 Q. Have you had any major illnesses
14 in the past ten years?

15 A. No.

16 Q. Okay.

17 A. Just...

18 Q. And you said you had surgery,
19 though, in the past ten years. And that
20 was...okay, I won't -- I don't need to go into
21 the details of that. Are you currently suffer
22 from any medical condition?

23 A. Just headaches like I have right
24 now and, uh, bouts of depression off and on. In
25 the stress of this, what I been going through

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1 through these years.
 2 Q. Is this lawsuit causing you
 3 stress?
 4 A. Yes, I would say, yeah.
 5 Q. Do you -- are you currently
 6 suffering from psychological conditions?
 7 A. Just...emotional would be
 8 psychological? Would emotional be
 9 psychological? I could get --
 10 Q. Is your depression related to your
 11 emotions?
 12 A. I can get...teary-eyed when I
 13 think about all that I been through. If I
 14 can...
 15 Q. Um-hum.
 16 A. Get -- that I was done wrong and
 17 it shouldn't have happened to me because of...
 18 Q. Taking care of -- do you still
 19 have six children living at your house?
 20 A. I shouldn't have had to go through
 21 this --
 22 Q. Okay, my new question --
 23 A. -- when somebody's wrong.
 24 Q. I know, you can...I think you've
 25 talked about that at length, but do you have six

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1 children living currently with you?
 2 A. Just four now.
 3 Q. Just four children.
 4 A. And my uncle and my --
 5 Q. And are you still having to go to
 6 school hearings and assorted matters because of
 7 them?
 8 A. Well, not as much now, they
 9 getting older. Just some time, like...pffff.
 10 Q. Do any of them get into trouble
 11 with the law?
 12 A. Well, my seventeen-year-old, he
 13 was having problems. Not with the law, but, you
 14 know, he always -- he's seventeen now.
 15 Q. Okay.
 16 A. But, no, um...
 17 Q. And these problems, did they cause
 18 you any distress?
 19 A. No, 'cause I'm used to -- I can
 20 handle, um...I can handle being a caregiver. My
 21 distress is when I'm done wrong and...and people
 22 know when the person is wrong and all this
 23 covering up and I'm sitting here going through
 24 all this.
 25 Q. Have you seen any psychologists or

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1 psychiatrists in the past ten years?
 2 A. Yes, I was, um, under...a
 3 therapist.
 4 Q. Okay. What's the person's name?
 5 A. Bill Powell.
 6 Q. Powell?
 7 A. Powell.
 8 Q. Do you know the address?
 9 A. Mm...I could look in here.
 10 Q. Yeah, that's fine.
 11 A. 2130 Millburn Avenue, Maplewood,
 12 New Jersey.
 13 Q. Is that the address of the doctor,
 14 the consent form I sent to you?
 15 A. Yes.
 16 Q. Okay, okay. And how many times
 17 did you see him?
 18 A. I don't recall, just for a while
 19 when, most, mostly when it first happened in
 20 2000 and when I went on leave I was really under
 21 his care a lot during that time.
 22 Q. And that was treatment for what,
 23 depression?
 24 A. Emotional trauma and depression
 25 and trying to understand.

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1 Q. Other than Mr. Powell, any other
 2 persons that you've seen either as a therapist
 3 or counsellor in the past ten years?
 4 A. No.
 5 Q. Do you think if you were provided
 6 with a job right now you would be able to work?
 7 A. I think I could.
 8 Q. What kind of hobbies do you have
 9 outside of work?
 10 A. I like to read the bible a lot and
 11 I like to read...history, historical, I like law
 12 and...
 13 Q. Do you participate in any church
 14 activities, services, choir, any of those?
 15 A. Just, um, chaplain, I'm a
 16 chaplain.
 17 Q. You're a chaplain?
 18 A. Yes.
 19 Q. For...for what?
 20 A. I can't believe I forget the name
 21 of it.
 22 Q. You can just describe it, I'm not
 23 really looking into specifics.
 24 A. Oh.
 25 Q. Is it a voluntary --

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1 A. Community --
 2 Q. -- job?
 3 A. Yeah, the community organization.
 4 Q. How many hours do you think you do
 5 your chaplain work? A week?
 6 A. Oh...well, since this incident I
 7 really haven't fulfilled it like I should have,
 8 so...I just kinda go to the meetings and...
 9 Q. Okay. What household
 10 activities -- you're a caretaker of --
 11 A. Caregiver.
 12 Q. Caregiver of four children, right?
 13 So what kind of activities -- do you feed, cook
 14 for them and do all the laundry and stuff?
 15 A. Yeah, yeah, I do my housework.
 16 Q. Just typical caregiver's...
 17 A. Yeah.
 18 Q. Okay.
 19 A. Take 'em to choir practice, Girl
 20 Scouts, uh...
 21 Q. Have you been able to drive a car?
 22 A. Yes.
 23 Q. Do you have difficulty sleeping?
 24 A. Yes.
 25 Q. What kind of problems have you

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1 been having?
 2 A. Just...really just this case,
 3 just...didn't know it was gonna go to this
 4 extent of this.
 5 Q. So this lawsuit has been kind of
 6 keeping you up at night?
 7 A. Yeah.
 8 Q. Okay.
 9 A. Just a lot of work keeping up with
 10 it.
 11 Q. Any other medication -- have you
 12 been taking any medications in the last five
 13 years for your symptoms?
 14 A. Just at the beginning, um...I was
 15 prescribed something to relax me.
 16 Q. What was that?
 17 A. Um...can't recall, um.
 18 Q. Is it a depressant drug or --
 19 A. Yeah, it was like anti-depressant
 20 drug, um...
 21 Q. It's okay, I just need to know
 22 that if you...if you give me a brief moment,
 23 we're almost done, I just want to make sure I've
 24 covered everything and then we can meet with
 25 Judge Salas, so off the record a second.

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1 A. Um-hum.
 2 (Whereupon, an off-the-record
 3 discussion takes place.)
 4 Q. I just want to ask you one last
 5 time if you understood my questions today.
 6 A. Most of them.
 7 Q. And I gave you an opportunity to
 8 look at the documents and...
 9 A. Yes.
 10 Q. Okay, and let's see, what else is
 11 there. And you swore to tell the truth and
 12 everything you said today was the truth?
 13 A. Yes.
 14 Q. And you understand that today's
 15 testimony can be used against you if there is a
 16 trial.
 17 A. Yes.
 18 Q. Okay. And anything else you want
 19 to add before we conclude and go meet Judge
 20 Salas?
 21 A. No.
 22 MR. YI: Okay, then we are done.
 23 Thank you.
 24 (Proceedings concluded at
 25 3:40 p.m.)

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1 C E R T I F I C A T E
 2 I, TABITHA DENTE, a Certified Shorthand
 3 Reporter and Notary Public of the State of New
 4 Jersey, do hereby certify that prior to the
 5 commencement of the examination, the witness was
 6 duly sworn by me to testify to the truth, the
 7 whole truth and nothing but the truth.
 8 I DO FURTHER CERTIFY that the foregoing
 9 is a true and accurate transcript of the
 10 testimony as taken stenographically by and
 11 before me at the time, place and on the date
 12 hereinbefore set forth, to the best of my
 13 ability.
 14 I DO FURTHER CERTIFY that I am neither a
 15 relative nor employee nor attorney nor counsel
 16 of any of the parties to this action, and that I
 17 am neither a relative nor employee of such
 18 attorney or counsel, and that I am not
 19 financially interested in the action.
 20 _____
 21 TABITHA DENTE, CSR NO. 1592
 22 ??
 23 ??
 24 ??
 25 1